

# STATE OF NEW YORK

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9008--B

## IN ASSEMBLY

January 14, 2016

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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

AN ACT to amend the public authorities law, in relation to committing the state of New York and the city of New York to partially fund part of the costs of the Metropolitan Transportation Authority's capital program (Part A); to amend the public authorities law, in relation to procurements by the New York City transit authority and the metropolitan transportation authority; and to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law and the state finance law, in relation to the dedication of revenues and the costs of the department of motor vehicles; to amend chapter 751 of the laws of 2005 amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; to repeal subdivision 2 of section 89-g of the state finance law relating to funds to be placed into the accident prevention course internet, and other technology pilot program fund; and to repeal certain provisions of the state finance law relating to the motorcycle safety fund (Part D); intentionally omitted (Part E); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part F); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part G); to establish the Transformational Economic Development Infrastructure and Revitalization Projects act; and providing for the repeal of such provisions upon expiration thereof (Part H); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part I); to authorize the New York state energy research and development authority to finance a portion of its research, devel-

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

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opment and demonstration, policy and planning, and Fuel NY programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part J); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part K); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies (Part L); to amend chapter 21 of the laws of 2003, amending the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes in relation to the effectiveness thereof (Part P); to amend the public authorities law, in relation to eliminating the canal corporation; and to repeal certain provisions of such law relating thereto (Part Q); in relation to redistributing 2014 bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, in relation to allocation of the unified state bond volume ceiling, and in relation to enacting the private activity bond allocation act of 2016; and providing for the repeal of certain provisions upon expiration thereof (Part R); intentionally omitted (Part S); to amend the environmental conservation law, in relation to waste tire management (Part T); to amend the state finance law, in relation to creating a new climate change account in the environmental protection fund; to amend the environmental conservation law, in relation to local waterfront revitalization programs; and to amend the executive law, in relation to payments for local waterfront revitalization programs (Part U); intentionally omitted (Part V); to amend chapter 77 of the laws of 2010 amending the environmental conservation law and the public health law relating to an environmental facility and cancer incidence map, in relation to making such provisions permanent (Part W); relating to establishing a zero emissions vehicle and clean burning fuel vehicle rebate program (Part X); to direct the metropolitan transportation authority to conduct a comprehensive feasibility study of reactivating the Long Island Rail Road Rockaway Beach rail line and produce an environmental impact statement for the construction of a light rail system along the west shore of Staten Island and prohibits the use of state funds to study the construction of a tunnel from Long Island to connect to any location in Bronx county, Westchester county, or the state of Connecticut (Part Y); and to amend chapter 20 of the laws of 2015 appropriating money for certain municipal corporations and school districts, in relation to increasing the amount of monies appropriated therefor to local government entities (Part Z)

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

1 identified as Parts A through Z. The effective date for each particular  
2 provision contained within such Part is set forth in the last section of  
3 such Part. Any provision in any section contained within a Part, includ-  
4 ing the effective date of the Part, which makes a reference to a section  
5 "of this act", when used in connection with that particular component,  
6 shall be deemed to mean and refer to the corresponding section of the  
7 Part in which it is found. Section three of this act sets forth the  
8 general effective date of this act.

9

## PART A

10 Section 1. This act shall be known as the "Metropolitan Transportation  
11 Authority (MTA) Capital Financing Act of 2016". This act commits the  
12 state of New York (state) and the city of New York (city) to fund, over  
13 a multi-year period, \$10,828,000,000 in capital costs related to  
14 projects contained in the MTA's 2015-2019 capital program (capital  
15 program). The state share of \$8,336,000,000 shall consist of  
16 \$1,000,000,000 in appropriations first enacted in the 2015-2016 state  
17 budget and additional funds sufficient for MTA to pay \$7,336,000,000 of  
18 capital costs as provided herein. The city share of \$2,492,000,000 shall  
19 consist of \$657,000,000 to be provided by the city from 2015 through  
20 2019, and additional funds sufficient for MTA to pay \$1,835,000,000 of  
21 capital costs for the capital program. The \$7,336,000,000 of additional  
22 funds to be provided by the state may be used by the MTA to pay direct  
23 capital costs and/or the state may fund such \$7,336,000,000 of capital  
24 costs through financing mechanisms undertaken by the MTA.

25 § 2. (a) The additional funds provided by the state pursuant to  
26 section one of this act shall be scheduled and made available to pay for  
27 the costs of the capital program. State funds shall be required by, and  
28 provided to, the MTA in an amount to support \$7,336,000,000 of capital  
29 costs.

30 (b) Such funds may be provided to the MTA through direct payments from  
31 the state and/or financing mechanisms undertaken by the MTA utilizing  
32 aid paid by the state on a schedule sufficient to support the capital  
33 costs outlined in this act. The director of the budget (director) shall  
34 annually determine the level of funding required to meet the state's  
35 commitment and recommend such amounts for inclusion in the executive  
36 budget. In making such determination, the director shall consider the  
37 availability of MTA capital resources planned for the capital program,  
38 the current progress and timing of the MTA capital program, the financ-  
39 ing mechanisms employed by the MTA, if any, and any other pertinent  
40 factors.

41 (c) State funding amounts, whether direct or in support of a financing  
42 mechanism undertaken by the MTA, shall be subject to appropriation with-  
43 in applicable annual state budgets; provided, however, that in the event  
44 the state does not appropriate the full amount of the funding required  
45 pursuant to this act in any year, such action shall not reduce the  
46 commitment of the state to fund the full state share specified in  
47 section one of this act. No funds deposited in the metropolitan trans-  
48 portation authority financial assistance fund pursuant to the provisions  
49 of section 92-ff of the state finance law, the dedicated mass transpor-  
50 tation trust fund pursuant to section 89-c of the state finance law, and  
51 the mass transportation operating assistance fund pursuant to section  
52 88-a of the state finance law shall be used to reduce or supplant the  
53 commitment of the state to provide \$7,336,000,000 under section one of  
54 this act. The state shall fulfill its aggregate commitment in this act

1 no later than state fiscal year 2025-2026 or by the completion of the  
2 capital program. In the event that the MTA has exhausted all currently  
3 available sources of funding, the MTA may, with the approval of the  
4 director, issue anticipation notes or other obligations secured solely  
5 by the additional funds specified in subdivision (a) of this section and  
6 shall provide for capitalized interest thereon.

7 § 3. In order to annually determine the adequacy and pace of the level  
8 of state funding in support of the MTA's capital program, and to gauge  
9 the availability of MTA capital resources planned for the capital  
10 program, the director may request, and the MTA shall provide, periodic  
11 reports on the MTA's capital programs and financial activities in a form  
12 and on a schedule prescribed by the director.

13 § 4. Subdivision 12 of section 1269 of the public authorities law, as  
14 amended by section 1 of part E of chapter 58 of the laws of 2012, is  
15 amended to read as follows:

16 12. The aggregate principal amount of bonds, notes or other obli-  
17 gations issued after the first day of January, nineteen hundred ninety-  
18 three by the authority, the Triborough bridge and tunnel authority and  
19 the New York city transit authority to fund projects contained in capi-  
20 tal program plans approved pursuant to section twelve hundred sixty-  
21 nine-b of this title for the period nineteen hundred ninety-two through  
22 two thousand [fourteen] nineteen shall not exceed [thirty-seven] fifty-  
23 five billion [two hundred eleven] four hundred ninety-seven million  
24 dollars [prior to January one, two thousand thirteen; shall not exceed  
25 thirty-nine billion five hundred forty-four million prior to January  
26 one, two thousand fourteen; and shall not exceed forty-one billion eight  
27 hundred seventy-seven million dollars thereafter]. Such aggregate prin-  
28 cipal amount of bonds, notes or other obligations or the expenditure  
29 thereof shall not be subject to any limitation contained in any other  
30 provision of law on the principal amount of bonds, notes or other obli-  
31 gations or the expenditure thereof applicable to the authority, the  
32 Triborough bridge and tunnel authority or the New York city transit  
33 authority. The aggregate limitation established by this subdivision  
34 shall not include (i) obligations issued to refund, redeem or otherwise  
35 repay, including by purchase or tender, obligations theretofore issued  
36 either by the issuer of such refunding obligations or by the authority,  
37 the New York city transit authority or the Triborough bridge and tunnel  
38 authority, (ii) obligations issued to fund any debt service or other  
39 reserve funds for such obligations, (iii) obligations issued or incurred  
40 to fund the costs of issuance, the payment of amounts required under  
41 bond and note facilities, federal or other governmental loans, security  
42 or credit arrangements or other agreements related thereto and the  
43 payment of other financing, original issue premiums and related costs  
44 associated with such obligations, (iv) an amount equal to any original  
45 issue discount from the principal amount of such obligations or to fund  
46 capitalized interest, (v) obligations incurred pursuant to section  
47 twelve hundred seven-m of this article, (vi) obligations incurred to  
48 fund the acquisition of certain buses for the New York city transit  
49 authority as identified in a capital program plan approved pursuant to  
50 chapter fifty-three of the laws of nineteen hundred ninety-two, (vii)  
51 obligations incurred in connection with the leasing, selling or trans-  
52 ferring of equipment, and (viii) bond anticipation notes or other obli-  
53 gations payable solely from the proceeds of other bonds, notes or other  
54 obligations which would be included in the aggregate principal amount  
55 specified in the first sentence of this subdivision, whether or not  
56 additionally secured by revenues of the authority, or any of its subsid-

1 iary corporations, New York city transit authority, or any of its  
2 subsidiary corporations, or Triborough bridge and tunnel authority.  
3 § 5. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2016.

5

## PART B

6 Section 1. Subdivision 7 of section 1209 of the public authorities  
7 law, as amended by chapter 334 of the laws of 2001, is amended to read  
8 as follows:

9 7. (a) Except as otherwise provided in this section, all purchase  
10 contracts for supplies, materials or equipment involving an estimated  
11 expenditure in excess of [fifteen] one hundred thousand dollars and all  
12 contracts for public work involving an estimated expenditure in excess  
13 of [twenty-five] one hundred thousand dollars shall be awarded by the  
14 authority to the lowest responsible bidder after obtaining sealed bids  
15 in the manner hereinafter set forth. The aforesaid shall not apply to  
16 contracts for personal, architectural, engineering or other professional  
17 services. The authority may reject all bids and obtain new bids in the  
18 manner provided by this section when it is deemed in the public interest  
19 to do so or, in cases where two or more responsible bidders submit iden-  
20 tical bids which are the lowest bids, award the contract to any of such  
21 bidders or obtain new bids from such bidders. Nothing herein shall obli-  
22 gate the authority to seek new bids after the rejection of bids or after  
23 cancellation of an invitation to bid. Nothing in this section shall  
24 prohibit the evaluation of bids on the basis of costs or savings includ-  
25 ing life cycle costs of the item to be purchased, discounts, and  
26 inspection services so long as the invitation to bid reasonably sets  
27 forth the criteria to be used in evaluating such costs or savings. Life  
28 cycle costs may include but shall not be limited to costs or savings  
29 associated with installation, energy use, maintenance, operation and  
30 salvage or disposal.

31 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
32 apply to the authority's acquisition of goods or services of any kind,  
33 in the actual or estimated amount of fifteen thousand dollars or more,  
34 provided that (i) a contract for [personal] services in the actual or  
35 estimated amount of less than [twenty] one hundred thousand dollars  
36 shall not require approval by the board of the authority regardless of  
37 the length of the period over which the services are rendered, and  
38 provided further that a contract for [personal] services in the actual  
39 or estimated amount of [twenty] one hundred thousand dollars or more  
40 shall require approval by the board of the authority regardless of the  
41 length of the period over which the services are rendered unless such a  
42 contract is awarded to the lowest responsible bidder after obtaining  
43 sealed bids and (ii) the board of the authority may by resolution adopt  
44 guidelines that authorize the award of contracts to small business  
45 concerns, to service disabled veteran owned businesses certified pursu-  
46 ant to article seventeen-B of the executive law, or minority or women-  
47 owned business enterprises certified pursuant to article fifteen-A of  
48 the executive law, or purchases of goods or technology that are recycled  
49 or remanufactured, in an amount not to exceed four hundred thousand  
50 dollars without a formal competitive process and without further board  
51 approval. The board of the authority shall adopt guidelines which shall  
52 be made publicly available for the awarding of any contract without a  
53 formal competitive process.

54 § 2. Intentionally omitted.



1 § 3. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph  
2 g of subdivision 9 of section 1209 of the public authorities law,  
3 subparagraph (i) of paragraph f as added by chapter 929 of the laws of  
4 1986, and subparagraph (i) of paragraph g as amended by chapter 725 of  
5 the laws of 1993, are amended to read as follows:

6 (i) [The] Except for a contract with a value of one million dollars or  
7 less that is awarded pursuant to this paragraph to the proposer whose  
8 proposal is the lowest cost, the authority may award a contract pursuant  
9 to this paragraph only after a resolution approved by a two-thirds vote  
10 of its members then in office at a public meeting of the authority with  
11 such resolution (A) disclosing the other proposers and the substance of  
12 their proposals, (B) summarizing the negotiation process including the  
13 opportunities, if any, available to proposers to present and modify  
14 their proposals, and (C) setting forth the criteria upon which the  
15 selection was made.

16 (i) [The] Except for a contract with a value of one million dollars or  
17 less that is awarded pursuant to this paragraph to the proposer whose  
18 proposal is the lowest cost, the authority may award a contract pursuant  
19 to this paragraph only after a resolution approved by a vote of not less  
20 than two-thirds of its members then in office at a public meeting of the  
21 authority with such resolution (A) disclosing the other proposers and  
22 the substance of their proposals, (B) summarizing the negotiation proc-  
23 ess including the opportunities, if any, available to proposers to pres-  
24 ent and modify their proposals, and (C) setting forth the criteria upon  
25 which the selection was made.

26 § 4. Subdivision 13 of section 1209 of the public authorities law is  
27 renumbered subdivision 14 and a new subdivision 13 is added to read as  
28 follows:

29 13. Notwithstanding any other provisions in this section, the authori-  
30 ty shall be allowed to use an electronic bidding system that may inform  
31 bidders whether their bid is the current low bid, and allow bidders to  
32 submit new bids before the date and time assigned for the opening of  
33 bids. Such procedure shall not constitute disclosure of bids in  
34 violation of section twenty-eight hundred seventy-eight of this chapter.

35 § 5. Subdivision 7 of section 1265 of the public authorities law, as  
36 added by chapter 324 of the laws of 1965, is amended to read as follows:

37 7. To acquire, hold and dispose of real or personal property in the  
38 exercise of its powers[;], including, the power to dispose of personal  
39 property with a value of two hundred thousand dollars or less by public  
40 auction in accordance with guidelines adopted by the authority pursuant  
41 to title five-A of article nine of this chapter. The board shall adopt  
42 guidelines that shall provide for advertising and such other safeguards  
43 as the authority may deem appropriate in the public interest.

44 § 6. Subdivision 3 of section 1204 of the public authorities law, as  
45 amended by chapter 980 of the laws of 1958, is amended to read as  
46 follows:

47 3. To acquire, hold, use and dispose of equipment, devices and  
48 appurtenances, and other property for its corporate purposes, including,  
49 the power to dispose of personal property with a value of two hundred  
50 thousand dollars or less by public auction in accordance with guidelines  
51 adopted by the metropolitan transportation authority pursuant to section  
52 twelve hundred sixty-five of this article and title five-A of article  
53 nine of this chapter.

54 § 7. Subdivision 3 of section 553 of the public authorities law is  
55 amended to read as follows:

1 3. To acquire, hold and dispose of personal property for its corporate  
2 purposes[;], including, the power to dispose of personal property with a  
3 value of two hundred thousand dollars or less by public auction in  
4 accordance with guidelines adopted by the authority pursuant to title  
5 five-A of article nine of this chapter. The board shall adopt guide-  
6 lines that shall provide for advertising and such other safeguards as  
7 the authority may deem appropriate in the public interest.

8 § 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the  
9 public authorities law, as amended by chapter 334 of the laws of 2001,  
10 are amended to read as follows:

11 (a) Except as otherwise provided in this section, all purchase  
12 contracts for supplies, materials or equipment involving an estimated  
13 expenditure in excess of [fifteen] one hundred thousand dollars and all  
14 contracts for public work involving an estimated expenditure in excess  
15 of [twenty-five] one hundred thousand dollars shall be awarded by the  
16 authority to the lowest responsible bidder after obtaining sealed bids  
17 in the manner hereinafter set forth. For purposes hereof, contracts for  
18 public work shall exclude contracts for personal, engineering and archi-  
19 tectural, or professional services. The authority may reject all bids  
20 and obtain new bids in the manner provided by this section when it is  
21 deemed in the public interest to do so or, in cases where two or more  
22 responsible bidders submit identical bids which are the lowest bids,  
23 award the contract to any of such bidders or obtain new bids from such  
24 bidders. Nothing herein shall obligate the authority to seek new bids  
25 after the rejection of bids or after cancellation of an invitation to  
26 bid. Nothing in this section shall prohibit the evaluation of bids on  
27 the basis of costs or savings including life cycle costs of the item to  
28 be purchased, discounts, and inspection services so long as the invita-  
29 tion to bid reasonably sets forth the criteria to be used in evaluating  
30 such costs or savings. Life cycle costs may include but shall not be  
31 limited to costs or savings associated with installation, energy use,  
32 maintenance, operation and salvage or disposal.

33 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
34 apply to the authority's acquisition of goods or services of any kind,  
35 in the actual or estimated amount of fifteen thousand dollars or more,  
36 provided (i) that a contract for [personal] services in the actual or  
37 estimated amount of less than [twenty] one hundred thousand dollars  
38 shall not require approval by the board of the authority regardless of  
39 the length of the period over which the services are rendered, and  
40 provided further that a contract for [personal] services in the actual  
41 or estimated amount of [twenty] one hundred thousand dollars or more  
42 shall require approval by the board of the authority regardless of the  
43 length of the period over which the services are rendered unless such a  
44 contract is awarded to the lowest responsible bidder after obtaining  
45 sealed bids, and (ii) the board of the authority may by resolution adopt  
46 guidelines that authorize the award of contracts to small business  
47 concerns, to service disabled veteran owned businesses certified pursu-  
48 ant to article seventeen-B of the executive law, or minority or women-  
49 owned business enterprises certified pursuant to article fifteen-A of  
50 the executive law, or purchases of goods or technology that are recycled  
51 or remanufactured, in an amount not to exceed four hundred thousand  
52 dollars without a formal competitive process and without further board  
53 approval. The board of the authority shall adopt guidelines which shall  
54 be made publicly available for the awarding of any contract without a  
55 formal competitive process.



1 § 9. Subparagraph (i) of paragraph f and subparagraph (i) of paragraph  
2 g of subdivision 4 of section 1265-a of the public authorities law,  
3 subparagraph (i) of paragraph f as added by chapter 929 of the laws of  
4 1986, and subparagraph (i) of paragraph g as amended by chapter 256 of  
5 the laws of 1998, are amended to read as follows:

6 (i) [The] Except for a contract with a value of one million dollars or  
7 less that is awarded pursuant to this paragraph to the proposer whose  
8 proposal is the lowest cost, the authority may award a contract pursuant  
9 to this paragraph only after a resolution approved by a two-thirds vote  
10 of its members then in office at a public meeting of the authority with  
11 such resolution (A) disclosing the other proposers and the substance of  
12 their proposals, (B) summarizing the negotiation process including the  
13 opportunities, if any, available to proposers to present and modify  
14 their proposals, and (C) setting forth the criteria upon which the  
15 selection was made.

16 (i) [The] Except for a contract with a value of one million dollars or  
17 less that is awarded pursuant to this paragraph to the proposer whose  
18 proposal is the lowest cost, the authority may award a contract pursuant  
19 to this paragraph only after a resolution approved by a vote of not less  
20 than a two-thirds vote of its members then in office at a public meeting  
21 of the authority with such resolution (A) disclosing the other proposers  
22 and the substance of their proposals, (B) summarizing the negotiation  
23 process including the opportunities, if any, available to proposers to  
24 present and modify their proposals, and (C) setting forth the criteria  
25 upon which the selection was made.

26 § 10. Intentionally omitted.

27 § 11. Subdivision 8 of section 1265-a of the public authorities law is  
28 renumbered subdivision 9 and a new subdivision 8 is added to read as  
29 follows:

30 8. Notwithstanding any other provisions in this section, the authority  
31 shall be allowed to use an electronic bidding system that may inform  
32 bidders whether their bid is the current low bid, and allow bidders to  
33 submit new bids before the date and time assigned for the opening of  
34 bids. Such procedure shall not constitute disclosure of bids in  
35 violation of section twenty-eight hundred seventy-eight of this chapter.

36 § 12. Section 553 of the public authorities law is amended by adding a  
37 new subdivision 22 to read as follows:

38 22. Section twenty-eight hundred seventy-nine of this chapter shall  
39 apply to the authority's acquisition of goods or services of any kind,  
40 in the actual or estimated amount of fifteen thousand dollars or more,  
41 provided that (i) a contract for services in the actual or estimated  
42 amount of less than one hundred thousand dollars shall not require  
43 approval by the board of the authority regardless of the length of the  
44 period over which the services are rendered, and provided further that a  
45 contract for services in the actual or estimated amount of one hundred  
46 thousand dollars or more shall require approval by the board of the  
47 authority regardless of the length of the period over which the services  
48 are rendered unless such a contract is awarded to the lowest responsible  
49 bidder after obtaining sealed bids and (ii) the board of the authority  
50 may by resolution adopt guidelines that authorize the award of contracts  
51 to small business concerns, to service disabled veteran owned businesses  
52 certified pursuant to article seventeen-b of the executive law, or  
53 minority or women-owned business enterprises certified pursuant to arti-  
54 cle fifteen-a of the executive law, or purchases of goods or technology  
55 that are recycled or remanufactured, in an amount not to exceed four  
56 hundred thousand dollars without a formal competitive process and with-



1 out further board approval. The board of the authority shall adopt  
2 guidelines which shall be made publicly available for the awarding of  
3 any contract without a formal competitive process.

4 § 13. Intentionally omitted.

5 § 14. Intentionally omitted.

6 § 15. This act shall take effect immediately.

7 PART C

8 Intentionally Omitted

9 PART D

10 Section 1. Section 399-1 of the vehicle and traffic law, as added by  
11 chapter 751 of the laws of 2005, is amended to read as follows:

12 § 399-1. Application. Applicants for participation in the pilot  
13 program established pursuant to this article shall be among those acci-  
14 dent prevention course sponsoring agencies that have a course approved  
15 by the commissioner pursuant to article twelve-B of this title prior to  
16 the effective date of this article and which deliver such course to the  
17 public. Provided, however, the commissioner may, in his or her  
18 discretion, approve applications after such date. In order to be  
19 approved for participation in such pilot program, the course must comply  
20 with the provisions of law, rules and regulations applicable thereto.  
21 The commissioner may, in his or her discretion, impose a fee for the  
22 submission of each application to participate in the pilot program  
23 established pursuant to this article. Such fee shall not exceed seven  
24 thousand five hundred dollars. The proceeds from such fee shall be  
25 deposited [in the accident prevention course internet technology pilot  
26 program fund as established by section eighty-nine-g of the state  
27 finance law] by the comptroller into the special obligation reserve and  
28 payment account of the dedicated highway and bridge trust fund estab-  
29 lished pursuant to section eighty-nine-b of the state finance law for  
30 the purposes established in this section.

31 § 2. Subdivision 2 of section 89-g of the state finance law is  
32 REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

33 § 3. Section 5 of chapter 751 of the laws of 2005, amending the insur-  
34 ance law and the vehicle and traffic law relating to establishing the  
35 accident prevention course internet technology pilot program, as amended  
36 by section 1 of part E of chapter 57 of the laws of 2014, is amended to  
37 read as follows:

38 § 5. This act shall take effect on the one hundred eightieth day after  
39 it shall have become a law and shall expire and be deemed repealed [May  
40 31, 2019] April 1, 2020; provided that any rules and regulations neces-  
41 sary to implement the provisions of this act on its effective date are  
42 authorized and directed to be completed on or before such date.

43 § 4. Paragraph a of subdivision 5 of section 410 of the vehicle and  
44 traffic law, as amended by section 16 of part G of chapter 59 of the  
45 laws of 2009, is amended to read as follows:

46 a. The annual fee for registration or reregistration of a motorcycle  
47 shall be eleven dollars and fifty cents. Beginning April first, nine-  
48 teen hundred ninety-eight the annual fee for registration or reregistra-  
49 tion of a motorcycle shall be seventeen dollars and fifty cents, of  
50 which two dollars and fifty cents shall be deposited by the comptroller  
51 into the [motorcycle safety fund established pursuant to section nine-  
52 ty-two-g of the state finance law] special obligation reserve and

1 payment account of the dedicated highway and bridge trust fund estab-  
2 lished pursuant to section eighty-nine-b of the state finance law for  
3 the purposes established in this section.

4 § 5. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle  
5 and traffic law, as added by chapter 435 of the laws of 1997, is amended  
6 to read as follows:

7 (c-1) In addition to the fees established in paragraphs (b) and (c) of  
8 this subdivision, a fee of fifty cents for each six months or portion  
9 thereof of the period of validity shall be paid upon the issuance of any  
10 permit, license or renewal of a license which is valid for the operation  
11 of a motorcycle, except a limited use motorcycle. Fees collected pursu-  
12 ant to this paragraph shall be deposited by the comptroller into the  
13 [motorcycle safety fund established pursuant to section ninety-two-g of  
14 the state finance law] special obligation reserve and payment account of  
15 the dedicated highway and bridge trust fund established pursuant to  
16 section eighty-nine-b of the state finance law for the purposes estab-  
17 lished in this section.

18 § 6. Subdivision 2 of section 92-g of the state finance law is  
19 REPEALED and subdivisions 3 and 4 are renumbered subdivisions 2 and 3.

20 § 7. Section 92-g of the state finance law is REPEALED.

21 § 8. Section 317 of the vehicle and traffic law is amended by adding a  
22 new subdivision 5 to read as follows:

23 5. All assessments charged and collected by the commissioner pursuant  
24 to this section shall be deposited by the comptroller into the special  
25 obligation reserve and payment account of the dedicated highway and  
26 bridge trust fund established pursuant to section eighty-nine-b of the  
27 state finance law.

28 § 9. Paragraph (b) of subdivision 1-a of section 318 of the vehicle  
29 and traffic law, as amended by section 1-b of part A of chapter 63 of  
30 the laws of 2005, is amended to read as follows:

31 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
32 sion, an order of suspension issued pursuant to paragraph (a) or (e) of  
33 this subdivision may be terminated if the registrant pays to the commis-  
34 sioner a civil penalty in the amount of eight dollars for each day up to  
35 thirty days for which financial security was not in effect, plus ten  
36 dollars for each day from the thirty-first to the sixtieth day for which  
37 financial security was not in effect, plus twelve dollars for each day  
38 from the sixty-first to the ninetieth day for which financial security  
39 was not in effect. Of each eight dollar penalty, six dollars will be  
40 deposited in the general fund and two dollars in the [miscellaneous  
41 special revenue fund - compulsory insurance account] special obligation  
42 reserve and payment account of the dedicated highway and bridge trust  
43 fund established pursuant to section eighty-nine-b of the state finance  
44 law for the purposes established in this section. Of each ten dollar  
45 penalty collected, six dollars will be deposited in the general fund,  
46 two dollars will be deposited in the [miscellaneous special revenue fund  
47 - compulsory insurance account] special obligation reserve and payment  
48 account of the dedicated highway and bridge trust fund established  
49 pursuant to section eighty-nine-b of the state finance law for the  
50 purposes established in this section, and two dollars shall be deposited  
51 in the dedicated highway and bridge trust fund established pursuant to  
52 section eighty-nine-b of the state finance law and the dedicated mass  
53 transportation fund established pursuant to section eighty-nine-c of the  
54 state finance law and distributed according to the provisions of subdi-  
55 vision (d) of section three hundred one-j of the tax law. Of each twelve  
56 dollar penalty collected, six dollars will be deposited into the general

1 fund, two dollars will be deposited into the [miscellaneous special  
2 revenue fund - compulsory insurance account] special obligation reserve  
3 and payment account of the dedicated highway and bridge trust fund  
4 established pursuant to section eighty-nine-b of the state finance law  
5 for the purposes established in this section, and four dollars shall be  
6 deposited in the dedicated highway and bridge trust fund established  
7 pursuant to section eighty-nine-b of the state finance law and the dedi-  
8 cated mass transportation fund established pursuant to section eighty-  
9 nine-c of the state finance law and distributed according to the  
10 provisions of subdivision (d) of section three hundred one-j of the tax  
11 law. The foregoing provision shall apply only once during any thirty-six  
12 month period and only if the registrant surrendered the certificate of  
13 registration and number plates to the commissioner not more than ninety  
14 days from the date of termination of financial security or submits to  
15 the commissioner new proof of financial security which took effect not  
16 more than ninety days from the termination of financial security.

17 § 10. Section 423-a of the vehicle and traffic law is amended by  
18 adding a new subdivision 6 to read as follows:

19 6. All funds collected from the department's share of the sale of  
20 assets pursuant to this section shall be deposited by the comptroller  
21 into the special obligation reserve and payment account of the dedicated  
22 highway and bridge trust fund established pursuant to section eighty-  
23 nine-b of the state finance law.

24 § 11. Paragraph (a) of subdivision 3 of section 89-b of the state  
25 finance law, as amended by section 8 of part C of chapter 57 of the laws  
26 of 2014, is amended to read as follows:

27 (a) The special obligation reserve and payment account shall consist  
28 (i) of all moneys required to be deposited in the dedicated highway and  
29 bridge trust fund pursuant to the provisions of sections two hundred  
30 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
31 fifteen and eleven hundred sixty-seven of the tax law, section four  
32 hundred one of the vehicle and traffic law, and section thirty-one of  
33 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
34 fees, fines or penalties collected by the commissioner of transportation  
35 and the commissioner of motor vehicles pursuant to section fifty-two,  
36 section three hundred twenty-six, section eighty-eight of the highway  
37 law, subdivision fifteen of section three hundred eighty-five, section  
38 four hundred twenty-three-a, section four hundred ten, section three  
39 hundred seventeen, section three hundred eighteen, article twelve-C, and  
40 paragraph (c-1) of subdivision two of section five hundred three of the  
41 vehicle and traffic law, section two of the chapter of the laws of two  
42 thousand three that amended this paragraph, subdivision (d) of section  
43 three hundred four-a, paragraph one of subdivision (a) and subdivision  
44 (d) of section three hundred five, subdivision six-a of section four  
45 hundred fifteen and subdivision (g) of section twenty-one hundred twen-  
46 ty-five of the vehicle and traffic law, section fifteen of this chapter,  
47 excepting moneys deposited with the state on account of betterments  
48 performed pursuant to subdivision twenty-seven or subdivision thirty-  
49 five of section ten of the highway law, and sections ninety-four, one  
50 hundred thirty-five, [one hundred forty-four] and one hundred forty-five  
51 of the transportation law, (iii) any moneys collected by the department  
52 of transportation for services provided pursuant to agreements entered  
53 into in accordance with section ninety-nine-r of the general municipal  
54 law, and (iv) any other moneys collected therefor or credited or trans-  
55 ferred thereto from any other fund, account or source.

1 § 12. Paragraph (a) of subdivision 3 of section 89-b of the state  
2 finance law, as amended by section 9 of part C of chapter 57 of the laws  
3 of 2014, is amended to read as follows:

4 (a) The special obligation reserve and payment account shall consist  
5 (i) of all moneys required to be deposited in the dedicated highway and  
6 bridge trust fund pursuant to the provisions of sections two hundred  
7 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
8 hundred sixty-seven of the tax law, section four hundred one of the  
9 vehicle and traffic law, and section thirty-one of chapter fifty-six of  
10 the laws of nineteen hundred ninety-three, (ii) all fees, fines or  
11 penalties collected by the commissioner of transportation and the  
12 commissioner of motor vehicles pursuant to section fifty-two, section  
13 three hundred twenty-six, section eighty-eight of the highway law,  
14 subdivision fifteen of section three hundred eighty-five, section four  
15 hundred twenty-three-a, section four hundred ten, section three hundred  
16 seventeen, section three hundred eighteen, article twelve-C, and para-  
17 graph (c-1) of subdivision two of section five hundred three of the  
18 vehicle and traffic law, section fifteen of this chapter, excepting  
19 moneys deposited with the state on account of betterments performed  
20 pursuant to subdivision twenty-seven or subdivision thirty-five of  
21 section ten of the highway law, and sections ninety-four, one hundred  
22 thirty-five, [one hundred forty-four] and one hundred forty-five of the  
23 transportation law, (iii) any moneys collected by the department of  
24 transportation for services provided pursuant to agreements entered into  
25 in accordance with section ninety-nine-r of the general municipal law,  
26 and (iv) any other moneys collected therefor or credited or transferred  
27 thereto from any other fund, account or source.

28 § 13. This act shall take effect immediately; provided, however, that  
29 section seven of this act shall take effect April 1, 2020; provided  
30 further, however, that the amendments to section 399-1 of the vehicle  
31 and traffic law made by section one of this act shall not affect the  
32 repeal of such section and shall be deemed repealed therewith; and  
33 provided further, however, that the amendments to paragraph (a) of  
34 subdivision 3 of section 89-b of the state finance law made by section  
35 eleven of this act shall be subject to the expiration and reversion of  
36 such paragraph pursuant to section 13 of part U1 of chapter 62 of the  
37 laws of 2003, as amended, when upon such date the provisions of section  
38 twelve of this act shall take effect.

39 PART E

40 Intentionally Omitted

41 PART F

42 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
43 of the laws of 1968 constituting the New York state urban development  
44 corporation act, as amended by section 1 of part M of chapter 58 of the  
45 laws of 2015, is amended to read as follows:

46 3. The provisions of this section shall expire, notwithstanding any  
47 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
48 the laws of 1996 or of any other law, on July 1, [2016] 2017.

49 § 2. This act shall take effect immediately and shall be deemed to  
50 have been in full force and effect on and after July 1, 2016.

51 PART G

1 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
2 New York state urban development corporation act, relating to the powers  
3 of New York state urban development corporation to make loans, as  
4 amended by section 1 of part N of chapter 58 of the laws of 2015, is  
5 amended to read as follows:

6 § 2. This act shall take effect immediately provided, however, that  
7 section one of this act shall expire on July 1, [2016] 2017, at which  
8 time the provisions of subdivision 26 of section 5 of the New York state  
9 urban development corporation act shall be deemed repealed; provided,  
10 however, that neither the expiration nor the repeal of such subdivision  
11 as provided for herein shall be deemed to affect or impair in any manner  
12 any loan made pursuant to the authority of such subdivision prior to  
13 such expiration and repeal.

14 § 2. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after April 1, 2016.

16

## PART H

17 Section 1. This act shall be known and may be cited as the "Transfor-  
18 mational Economic Development Infrastructure and Revitalization Projects  
19 act".

20 § 2. Definitions. For the purposes of this act, the following terms  
21 shall have the following meanings:

22 1. "Transformational Economic Development Infrastructure and Revitali-  
23 zation Projects act" or "projects" shall mean construction projects in  
24 the county of New York related to the redevelopment of the Jacob V.  
25 Javits Convention Center, the Empire State Station Complex, the James A.  
26 Farley Building, and Pennsylvania Station. The term "project" shall  
27 refer to any of these construction projects.

28 2. "Authorized entity" shall mean the New York State Urban Development  
29 Corporation, the New York Convention Center Development Corporation, and  
30 their subsidiaries.

31 3. "Best value" shall mean the basis for awarding contracts for  
32 services to the bidder that optimize quality, cost and efficiency, price  
33 and performance criteria, which may include, but is not limited to:

34 (a) The quality of the contractor's performance on previous projects;

35 (b) The timeliness of the contractor's performance on previous  
36 projects;

37 (c) The level of customer satisfaction with the contractor's perform-  
38 ance on previous projects;

39 (d) The contractor's record of performing previous projects on budget  
40 and ability to minimize cost overruns;

41 (e) The contractor's ability to limit change orders;

42 (f) The contractor's ability to prepare appropriate project plans;

43 (g) The contractor's technical capacities;

44 (h) The individual qualifications of the contractor's key personnel;

45 (i) The contractor's ability to assess and manage risk and minimize  
46 risk impact; and

47 (j) The contractor's past record of encouraging women and minority-  
48 owned business enterprise participation and compliance with article 15-A  
49 of the executive law.

50 Such basis shall reflect, wherever possible, objective and quantifi-  
51 able analysis.

52 4. "Design-build contract" shall mean, in conformity with the require-  
53 ments of this act, a contract for the design and construction of the

1 projects with a single entity, which may be a team comprised of separate  
2 entities.

3 5. "Procurement record" shall mean documentation of the decisions made  
4 and the approach taken in the procurement process.

5 6. "Project labor agreement" shall mean a pre-hire collective bargain-  
6 ing agreement between a contractor and a bona fide building and  
7 construction trade labor organization establishing the labor organiza-  
8 tion as the collective bargaining representative for all persons who  
9 will perform work on the project, and which provides that only contrac-  
10 tors and subcontractors who sign a pre-negotiated agreement with the  
11 labor organization can perform project work.

12 § 3. Notwithstanding the provisions of any law to the contrary, in  
13 conformity with the requirements of this act, and only when a project  
14 labor agreement is performed, the authorized entity may utilize the  
15 alternative delivery method referred to as a design-build contract for  
16 the project. The authorized entity shall ensure that its procurement  
17 record reflects the design-build contract process authorized by this  
18 act.

19 § 4. An entity selected by the authorized entity to enter into a  
20 design-build contract for the project shall be selected through a two-  
21 step method, as follows:

22 1. Step one. Generation of a list of entities that have demonstrated  
23 the general capability to perform a design-build contract for the  
24 project. Such list shall consist of a specified number of entities, as  
25 determined by the authorized entity, and shall be generated based upon  
26 the authorized entity's review of responses to a publicly advertised  
27 request for qualifications for the project. The authorized entity's  
28 request for qualifications for the project shall include a general  
29 description of the project, the maximum number of entities to be  
30 included on the list, and the selection criteria to be used in generat-  
31 ing the list. Such selection criteria shall include the qualifications  
32 and experience of the design and construction team, organization, demon-  
33 strated responsibility, ability of the team or of a member or members of  
34 the team to comply with applicable requirements, including the  
35 provisions of articles 145, 147 and 148 of the education law, past  
36 record of compliance with the labor law including prevailing wage  
37 requirements under state and federal law; the past record of compliance  
38 with existing labor standards and maintaining harmonious labor  
39 relations; the record of protecting the health and safety of workers on  
40 public works projects and job sites as demonstrated by the experience  
41 modification rate for each of the last three years; the prospective  
42 bidder's ability to undertake the particular type and complexity of  
43 work; the financial capability, responsibility and reliability of the  
44 prospective bidder for such type and complexity of work; the prospective  
45 bidder's compliance with equal employment opportunity requirements and  
46 anti-discrimination laws, and demonstrated commitment to working with  
47 minority and women-owned business enterprises through joint ventures or  
48 subcontractor relationships; whether or not the prospective bidder or a  
49 person or entity with an interest of at least ten per centum in the  
50 prospective bidder, is debarred for having disregarded obligations to  
51 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29  
52 C.F.R. 5.12 and such other qualifications the authorized entity deems  
53 appropriate which may include but are not limited to project understand-  
54 ing, financial capability and record of past performance. The authorized  
55 entity shall evaluate and rate all entities responding to the request  
56 for qualifications. Based upon such ratings, the authorized entity shall

1 list the entities that shall receive a request for proposals in accord-  
2 ance with subdivision two of this section. To the extent consistent with  
3 applicable federal law, the authorized entity shall consider, when  
4 awarding any contract pursuant to this act, the participation of: (a)  
5 firms certified pursuant to article 15-A of the executive law as minori-  
6 ty or women-owned business enterprises and the ability of other busi-  
7 nesses under consideration to work with minority and women-owned busi-  
8 ness enterprises so as to promote and assist participation by such  
9 businesses; and (b) small business concerns identified pursuant to  
10 subdivision (b) of section 139-g of the state finance law.

11 2. Step two. Selection of the proposal which is the best value to the  
12 authorized entity. The authorized entity shall issue a request for  
13 proposals for the project to the entities listed pursuant to subdivision  
14 one of this section. If such an entity consists of a team of separate  
15 entities, the entities that comprise such a team must remain unchanged  
16 from the entity as listed pursuant to subdivision one of this section  
17 unless otherwise approved by the authorized entity. The request for  
18 proposals for the project shall set forth the project's scope of work,  
19 and other requirements, as determined by the authorized entity. The  
20 request for proposals shall specify the criteria to be used to evaluate  
21 the responses and the relative weight of each such criteria. Such crite-  
22 ria shall include the proposal's cost, the quality of the proposal's  
23 solution, the qualifications and experience of the design-build entity,  
24 and other factors deemed pertinent by the authorized entity, which may  
25 include, but shall not be limited to, the proposal's project implementa-  
26 tion, ability to complete the work in a timely and satisfactory manner,  
27 maintenance costs of the completed project, maintenance of traffic  
28 approach, and community impact. Any contract awarded pursuant to this  
29 act shall be awarded to a responsive and responsible entity that submits  
30 the proposal, which, in consideration of these and other specified  
31 criteria deemed pertinent to the project, offers the best value to the  
32 authorized entity, as determined by the authorized entity. Nothing in  
33 this act shall be construed to prohibit the authorized entity from nego-  
34 tiating final contract terms and conditions including cost.

35 3. Notwithstanding the foregoing provisions of this section, when any  
36 person or entity is debarred for having disregarded obligations to  
37 employees under the Davis-Bacon Act pursuant to 40 U.S.C. 3144 and 29  
38 C.F.R. 5.12, such person or entity, and any firm, corporation, partner-  
39 ship or association in which the person or entity owns or controls at  
40 least ten per centum, shall be ineligible to submit a bid on or be  
41 awarded any contract authorized by this act while the name of the person  
42 or entity is published in the list of debarred contractors pursuant to  
43 40 U.S.C. 3144. The department of labor will notify the person or entity  
44 immediately of such ineligibility and such person or entity must be  
45 afforded the opportunity to appeal to the department of labor.

46 § 5. Any contract entered into pursuant to this act shall include a  
47 clause requiring that any professional services regulated by articles  
48 145, 147 and 148 of the education law shall be performed and stamped and  
49 sealed, where appropriate, by a professional licensed in accordance with  
50 such articles.

51 § 6. The construction, demolition, reconstruction, excavation, reha-  
52 bilitation, repair, renovation of the project undertaken by the author-  
53 ized entity pursuant to this act shall be deemed a "public work" to be  
54 performed in accordance with the provisions of article 8 of the labor  
55 law, as well as subject to sections 200, 240, 241 and 242 of the labor

1 law and enforcement of prevailing wage requirements by the New York  
2 state department of labor.

3 § 7. A project labor agreement shall be included in the request for  
4 proposals for the project, provided that, based upon a study done by or  
5 for the authorized entity, the authorized entity determines that its  
6 interests are best met by requiring a project labor agreement. The  
7 authorized entity shall conduct such a study and the project labor  
8 agreement shall be performed consistent with the provisions of section  
9 222 of the labor law. If a project labor agreement is not performed on  
10 the project: (1) the authorized entity shall not utilize a design-build  
11 contract for the project; and (2) section 135 of the state finance law  
12 shall apply to the project.

13 § 8. Each contract entered into by the authorized entity pursuant to  
14 this act shall comply, whenever practical, with the objectives and goals  
15 of the minority and women-owned business enterprise program pursuant to  
16 article 15-A of the executive law or, if the project receives federal  
17 aid, shall comply with applicable federal requirements for disadvantaged  
18 business enterprises.

19 § 9. The project undertaken by the authorized entity pursuant to this  
20 act shall be subject to the requirements of article 8 of the environ-  
21 mental conservation law, and, where applicable, the requirements of the  
22 national environmental policy act.

23 § 9-a. If otherwise applicable, the project undertaken by the author-  
24 ized entity pursuant to this act shall be governed by sections 139-d,  
25 139-j, 139-k, and paragraph f of subdivision 1 and paragraph g of subdi-  
26 vision 9 of section 163 of the state finance law.

27 § 9-b. (a) A report shall be submitted by January 1, 2017, to the  
28 governor, the temporary president of the senate and the speaker of the  
29 assembly by each authorized entity that has entered into a design-build  
30 contract pursuant to this act. Such report shall contain the following  
31 information: a detailed description of and progress report for each  
32 project authorized under this act; information regarding the basis for  
33 determining the list of entities required to be named pursuant to subdi-  
34 vision one of section four of this act; information regarding the basis  
35 for determining the proposal which is the best value to the authorized  
36 entity as required by subdivision two of section four of this act; the  
37 total cost of each project authorized under this act; the estimated cost  
38 and time savings of each project and an explanation of how such savings  
39 were determined.

40 (b) A report shall be submitted by January 1, 2018, notwithstanding  
41 the expiration and repeal of this act annually thereafter, by each  
42 authorized entity that is a party to a design-build contract entered  
43 into pursuant to this act, to the governor, the temporary president of  
44 the senate and the speaker of the assembly. Such report shall provide a  
45 detailed description of the progress of each project undertaken, includ-  
46 ing, but not limited to, whether such projects are on schedule and with-  
47 in budget, any changes to the total cost of each project, and any chang-  
48 es to the cost and time savings anticipated as reported pursuant to  
49 subdivision (a) of this section.

50 § 10. The submission of a proposal or responses or the execution of a  
51 design-build contract pursuant to this act shall not be construed to be  
52 a violation of section 6512 of the education law.

53 § 11. Nothing contained in this act shall limit the right or obli-  
54 gation of the authorized entity to comply with the provisions of any  
55 existing contract, including any existing contract with or for the bene-



1 fit of the holders of the obligations of the authorized entity, or to  
2 award contracts as otherwise provided by law.

3 § 12. This act shall take effect immediately, and shall expire and be  
4 deemed repealed three years after such date, provided that if the  
5 authorized entity has issued requests for qualifications for the project  
6 prior to such repeal, such project shall be permitted to continue under  
7 this act notwithstanding such repeal; provided that the New York State  
8 urban development corporation and the New York convention center devel-  
9 opment corporation shall notify the legislative bill drafting commission  
10 upon the occurrence of the enactment of the legislation provided for in  
11 this act in order that the commission may maintain an accurate and time-  
12 ly effective data base of the official text of the laws of the state of  
13 New York in furtherance of effectuating the provisions of section 44 of  
14 the legislative law and section 70-b of the public officers law.

15

## PART I

16 Section 1. Notwithstanding any law to the contrary, the comptroller is  
17 hereby authorized and directed to receive for deposit to the credit of  
18 the general fund the amount of up to \$913,000 from the New York state  
19 energy research and development authority.

20 § 2. This act shall take effect immediately and shall be deemed to  
21 have been in full force and effect on and after April 1, 2016.

22

## PART J

23 Section 1. Expenditures of moneys by the New York state energy  
24 research and development authority for services and expenses of the  
25 energy research, development and demonstration program, including  
26 grants, the energy policy and planning program, and the Fuel NY program  
27 shall be subject to the provisions of this section. Notwithstanding the  
28 provisions of subdivision 4-a of section 18-a of the public service law,  
29 all moneys committed or expended in an amount not to exceed \$19,700,000  
30 shall be reimbursed by assessment against gas corporations, as defined  
31 in subdivision 11 of section 2 of the public service law and electric  
32 corporations as defined in subdivision 13 of section 2 of the public  
33 service law, where such gas corporations and electric corporations have  
34 gross revenues from intrastate utility operations in excess of \$500,000  
35 in the preceding calendar year, and the total amount which may be  
36 charged to any gas corporation and any electric corporation shall not  
37 exceed one cent per one thousand cubic feet of gas sold and .010 cent  
38 per kilowatt-hour of electricity sold by such corporations in their  
39 intrastate utility operations in calendar year 2014. Such amounts shall  
40 be excluded from the general assessment provisions of subdivision 2 of  
41 section 18-a of the public service law. The chair of the public service  
42 commission shall bill such gas and/or electric corporations for such  
43 amounts on or before August 10, 2016 and such amounts shall be paid to  
44 the New York state energy research and development authority on or  
45 before September 10, 2016. Upon receipt, the New York state energy  
46 research and development authority shall deposit such funds in the ener-  
47 gy research and development operating fund established pursuant to  
48 section 1859 of the public authorities law. The New York state energy  
49 research and development authority is authorized and directed to: (1)  
50 transfer \$1 million to the state general fund for services and expenses  
51 of the department of environmental conservation and to transfer \$750,000  
52 to the University of Rochester laboratory for laser energetics from the



1 funds received; and (2) commencing in 2016, provide to the chair of the  
2 public service commission and the director of the budget and the chairs  
3 and secretaries of the legislative fiscal committees, on or before  
4 August first of each year, an itemized record, certified by the presi-  
5 dent and chief executive officer of the authority, or his or her desig-  
6 nee, detailing any and all expenditures and commitments ascribable to  
7 moneys received as a result of this assessment by the chair of the  
8 department of public service pursuant to section 18-a of the public  
9 service law. This itemized record shall include an itemized breakdown  
10 of the programs being funded by this section and the amount committed to  
11 each program. The authority shall not commit for any expenditure, any  
12 moneys derived from the assessment provided for in this section, until  
13 the chair of such authority shall have submitted, and the director of  
14 the budget shall have approved, a comprehensive financial plan encom-  
15 passing all moneys available to and all anticipated commitments and  
16 expenditures by such authority from any source for the operations of  
17 such authority. Copies of the approved comprehensive financial plan  
18 shall be immediately submitted by the chair to the chairs and secre-  
19 taries of the legislative fiscal committees. Any such amount not  
20 committed by such authority to contracts or contracts to be awarded or  
21 otherwise expended by the authority during the fiscal year shall be  
22 refunded by such authority on a pro-rata basis to such gas and/or elec-  
23 tric corporations, in a manner to be determined by the department of  
24 public service.

25 § 2. This act shall take effect immediately and shall be deemed to  
26 have been in full force and effect on and after April 1, 2016.

27

## PART K

28 Section 1. Notwithstanding any other law, rule or regulation to the  
29 contrary, expenses of the department of health public service education  
30 program incurred pursuant to appropriations from the cable television  
31 account of the state miscellaneous special revenue funds shall be deemed  
32 expenses of the department of public service.

33 § 2. This act shall take effect immediately and shall be deemed to  
34 have been in full force and effect on and after April 1, 2016.

35

## PART L

36 Section 1. Paragraph (c) of subdivision 12 of section 66 of the public  
37 service law, as amended by chapter 162 of the laws of 1998, is amended  
38 to read as follows:

39 (c) For the purpose of this subdivision, "major changes" shall mean an  
40 increase in the rates and charges which would increase the aggregate  
41 revenues of the applicant more than the greater of three hundred thou-  
42 sand dollars or two and one-half percent, but shall not include changes  
43 in rates, charges or rentals (i) allowed to go into effect by the  
44 commission or made by the utility pursuant to an order of the commission  
45 after hearings held upon notice to the public, or (ii) proposed by a  
46 municipality.

47 § 2. Paragraph (f) of subdivision 12 of section 66 of the public  
48 service law, as amended by chapter 154 of the laws of 1989, is amended  
49 to read as follows:

50 (f) Whenever there shall be filed with the commission by any utility  
51 any schedule stating a new rate or charge, or any change in any form of  
52 contract or agreement or any rule or regulation relating to any rate,

1 charge or service, or in any general privilege or facility, the commis-  
2 sion may, at any time within sixty days from the date when such schedule  
3 would or has become effective, either upon complaint or upon its own  
4 initiative, and, if it so orders, without answer or other formal plead-  
5 ing by the utility, but upon reasonable notice, hold a hearing concern-  
6 ing the propriety of a change proposed by the filing. If such change is  
7 a major change, the commission shall hold such a hearing. Pending such  
8 hearing and decision thereon, the commission, upon filing with such  
9 schedule and delivering to the utility, a statement in writing of its  
10 reasons therefor, may suspend the operation of such schedule, but not  
11 for a longer period than [one hundred and twenty days] four months  
12 beyond the time when it would otherwise go into effect. After full hear-  
13 ing, whether completed before or after the schedule goes into effect,  
14 the commission may make such order in reference thereto as would be  
15 proper in a proceeding begun after the rate, charge, form of contract or  
16 agreement, rule, regulation, service, general privilege or facility had  
17 become effective. If any such hearing cannot be concluded within the  
18 period of suspension as above stated, the commission may extend the  
19 suspension for a further period, not exceeding [six] ten months. If at  
20 the end of such period, the filed petition has not been acted upon by  
21 the commission, the commission shall utilize the proposal filed by the  
22 staff of the department to establish temporary rates for the petitioner,  
23 subject to refund or reparation as provided in section one hundred thir-  
24 teen of this chapter.

25 § 3. Paragraph (f) of subdivision 10 of section 80 of the public  
26 service law, as amended by chapter 154 of the laws of 1989, is amended  
27 to read as follows:

28 (f) Whenever there shall be filed with the commission by any utility  
29 any schedule stating a new rate or charge, or any change in any form of  
30 contract or agreement or any rule or regulation relating to any rate,  
31 charge or service, or in any general privilege or facility, the commis-  
32 sion may, at any time within sixty days from the date when such schedule  
33 would or has become effective, either upon complaint or upon its own  
34 initiative, and, if it so orders, without answer or other formal plead-  
35 ing by the utility, but upon reasonable notice, hold a hearing concern-  
36 ing the propriety of a change proposed by the filing. If such change is  
37 a major change, the commission shall hold such a hearing. Pending such  
38 hearing and decision thereon the commission, upon filing with such sche-  
39 dule and delivering to the utility, a statement in writing of its  
40 reasons therefor, may suspend the operation of such schedule, but not  
41 for a longer period than [one hundred and twenty days] four months  
42 beyond the time when it would otherwise go into effect. After full hear-  
43 ing, whether completed before or after the schedule goes into effect,  
44 the commission may make such order in reference thereto as would be  
45 proper in a proceeding begun after the rate, charge, form of contract or  
46 agreement, rule, regulation, service, general privilege or facility had  
47 become effective. If such hearing cannot be concluded within the period  
48 of suspension as above stated, the commission may extend the suspension  
49 for a further period not exceeding [six] ten months. If at the end of  
50 such period, the filed petition has not been acted upon by the commis-  
51 sion, the commission shall utilize the proposal filed by the staff of  
52 the department to establish temporary rates for the petitioner, subject  
53 to refund or reparation as provided in section one hundred thirteen of  
54 this chapter.

1 § 4. Paragraph (f) of subdivision 10 of section 89-c of the public  
2 service law, as amended by chapter 154 of the laws of 1989, is amended  
3 to read as follows:

4 (f) Whenever there shall be filed with the commission by any water-  
5 works corporation any schedule stating a new rate or charge, or any  
6 change in any form of contract or agreement or any rule or regulation  
7 relating to any rate, charge or service, or in any general privilege or  
8 facility, the commission may, at any time within sixty days from the  
9 date when such schedule would or has become effective, either upon  
10 complaint or upon its own initiative, and, if it so orders, without  
11 answer or other formal pleading by the interested corporation, but upon  
12 reasonable notice, hold a hearing concerning the propriety of a change  
13 proposed by the filing. If such change is a major change, the commission  
14 shall hold such a hearing. Pending such hearing and decision thereon,  
15 the commission, upon filing with such schedule and delivering to the  
16 corporation affected thereby a statement in writing of its reasons  
17 therefor, may suspend the operation of such schedule, but not for a  
18 longer period than [one hundred and twenty days] four months beyond the  
19 time when it would otherwise go into effect. After a full hearing,  
20 whether completed before or after the schedule goes into effect, the  
21 commission may make such order in reference thereto as would be proper  
22 in a proceeding begun after the rate, charge, form of contract or agree-  
23 ment, rule, regulation, service, general privilege or facility had  
24 become effective. If any such hearing cannot be concluded within the  
25 period of suspension as above stated, the commission may extend the  
26 suspension for a further period not exceeding [six] ten months. If at  
27 the end of such period, the filed petition has not been acted upon by  
28 the commission, the commission shall utilize the proposal filed by the  
29 staff of the department to establish temporary rates for the petitioner,  
30 subject to refund or reparation as provided in section one hundred thir-  
31 teen of this chapter.

32 § 5. This act shall take effect immediately.

33

## PART M

34 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the  
35 executive law relating to permitting the secretary of state to provide  
36 special handling for all documents filed or issued by the division of  
37 corporations and to permit additional levels of such expedited service,  
38 as amended by section 1 of part T of chapter 58 of the laws of 2015, is  
39 amended to read as follows:

40 § 2. This act shall take effect immediately, provided however, that  
41 section one of this act shall be deemed to have been in full force and  
42 effect on and after April 1, 2003 and shall expire March 31, [2016]  
43 2017.

44 § 2. This act shall take effect immediately and shall be deemed to  
45 have been in full force and effect on and after March 31, 2016.

46

## PART N

47

Intentionally Omitted

48

## PART O

49

Intentionally Omitted



1

## PART P

2 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
3 public authorities law relating to the powers and duties of the dormito-  
4 ry authority of the state of New York relative to the establishment of  
5 subsidiaries for certain purposes, as amended by section 1 of part X of  
6 chapter 57 of the laws of 2014, is amended to read as follows:

7 § 2. This act shall take effect immediately and shall expire and be  
8 deemed repealed on July 1, [2016] 2018; provided however, that the expi-  
9 ration of this act shall not impair or otherwise affect any of the  
10 powers, duties, responsibilities, functions, rights or liabilities of  
11 any subsidiary duly created pursuant to subdivision twenty-five of  
12 section 1678 of the public authorities law prior to such expiration.

13 § 2. This act shall take effect immediately.

14

## PART Q

15 Sections 1-4 Intentionally omitted.

16 § 5. Subdivisions 2 and 3 of section 357-a of the public authorities  
17 law are REPEALED and subdivision 1, as added by section 1 of part E of  
18 chapter 58 of the laws of 2013, is amended to read as follows:

19 1. Enforcement assistance [shall be] provided by the division of state  
20 police at [a level consistent with historical precedents, as a matter of  
21 state interest, on all sections of the thruway. The authority shall  
22 provide goods and services to the division of state police in connection  
23 with its enforcement activity on the thruway. The division of state  
24 police and the authority shall enter into an agreement identifying those  
25 goods and services that the authority will provide to the division of  
26 state police and determine reporting and other requirements related  
27 thereto. Any costs borne by the state police outside of such agreement  
28 shall not be reimbursed by the authority nor shall they be deemed costs  
29 of the authority] the request of the authority shall be reimbursed by  
30 the authority to the division of state police from the general reserve  
31 fund established by the authority under its agreement with bondholders,  
32 after payment of any amounts due on any bonds or notes of the authority.  
33 The comptroller is hereby authorized and directed to deposit to the  
34 policing NYS thruway account, revenues received from the authority as  
35 reimbursement for personal service expenses including general state  
36 charges. In addition, the authority shall reimburse the division of  
37 state police for non-personal service expenses connected with such  
38 assistance. Such reimbursement shall be made from such general reserve  
39 fund. The authority shall deposit said reimbursement funds for non-per-  
40 sonal service expenses to the credit of the division of state police. No  
41 payments made by the authority under this subsection shall be deemed  
42 operating expenses of the authority.

43 §§ 6-29 Intentionally omitted.

44 § 30. This act shall take effect immediately.

45

## PART R

46 Section 1. Short title. This act shall be known and may be cited as  
47 the "private activity bond allocation act of 2016".

48 § 2. Legislative findings and declaration. The legislature hereby  
49 finds and declares that the federal tax reform act of 1986 established a  
50 statewide bond volume ceiling on the issuance of certain tax exempt  
51 private activity bonds and notes and, under certain circumstances,

1 governmental use bonds and notes issued by the state and its public  
2 authorities, local governments, agencies which issue on behalf of local  
3 governments, and certain other issuers. The federal tax reform act  
4 establishes a formula for the allocation of the bond volume ceiling  
5 which was subject to temporary modification by gubernatorial executive  
6 order until December 31, 1987. That act also permits state legislatures  
7 to establish, by statute, an alternative formula for allocating the  
8 volume ceiling. Bonds and notes subject to the volume ceiling require  
9 an allocation from the state's annual volume ceiling in order to qualify  
10 for federal tax exemption.

11 It is hereby declared to be the policy of the state to maximize the  
12 public benefit through the issuance of private activity bonds for the  
13 purposes of, amount other things, allocating a fair share of the bond  
14 volume ceiling upon initial allocation and from a bond reserve to local  
15 agencies and for needs identified by local governments; providing hous-  
16 ing and promoting economic development; job creation; an economical  
17 energy supply; and resource recovery and to provide for an orderly and  
18 efficient volume ceiling allocation process for state and local agencies  
19 by establishing an alternative formula for making such allocations.

20 § 3. Definitions. As used in this act, unless the context requires  
21 otherwise:

22 1. "Bonds" means bonds, notes or other obligations.

23 2. "Carryforward" means an amount of unused private activity bond  
24 ceiling available to an issuer pursuant to an election filed with the  
25 internal revenue service pursuant to section 146(f) of the code.

26 3. "Code" means the internal revenue code of 1986, as amended.

27 4. "Commissioner" means the commissioner of the New York state depart-  
28 ment of economic development.

29 5. "Covered bonds" means those tax exempt private activity bonds and  
30 that portion of the non-qualified amount of an issue of governmental use  
31 bonds for which an allocation of the statewide ceiling is required for  
32 the interest earned by holders of such bonds to be excluded from the  
33 gross income of such holders for federal income tax purposes under the  
34 code.

35 6. "Director" means the director of the New York state division of the  
36 budget.

37 7. "Issuer" means a local agency, state agency or other issuer.

38 8. "Local agency" means an industrial development agency established  
39 or operating pursuant to article 18-A of the general municipal law, the  
40 Troy industrial development authority and the Auburn industrial develop-  
41 ment authority.

42 9. "Other issuer" means any agency, political subdivision or other  
43 entity, other than a local agency or state agency, that is authorized to  
44 issue covered bonds.

45 10. "Qualified small issue bonds" means qualified small issue bonds,  
46 as defined in section 144(a) of the code.

47 11. "State agency" means the state of New York, the New York state  
48 energy research and development authority, the New York job development  
49 authority, the New York state environmental facilities corporation, the  
50 New York state urban development corporation and its subsidiaries, the  
51 Battery Park city authority, the port authority of New York and New  
52 Jersey, the power authority of the state of New York, the dormitory  
53 authority of the state of New York, the New York state housing finance  
54 agency, the state of New York mortgage agency, and any other public  
55 benefit corporation or public authority designated by the governor for  
56 the purposes of this act.

1 12. "Statewide ceiling" means for any calendar year the highest state  
2 ceiling (as such term is used in section 146 of the code) applicable to  
3 New York state.

4 13. "Future allocations" means allocations of statewide ceiling for up  
5 to two future years.

6 14. "Multi-year housing development project" means a project (a) which  
7 qualifies for covered bonds;

8 (b) which is to be constructed over two or more years; and

9 (c) in which at least twenty percent of the dwelling units will be  
10 occupied by persons and families of low income.

11 § 4. Local agency set-aside. A set-aside of statewide ceiling for  
12 local agencies for any calendar year shall be an amount which bears the  
13 same ratio to one-third of the statewide ceiling as the population of  
14 the jurisdiction of such local agency bears to the population of the  
15 entire state. The commissioner shall administer allocations of such  
16 set-aside to local agencies.

17 § 5. State agency set-aside. A set-aside of statewide ceiling for all  
18 state agencies for any calendar year shall be one-third of the statewide  
19 ceiling. The director shall administer allocations of such set-aside to  
20 state agencies and may grant an allocation to any state agency upon  
21 receipt of an application in such form as the director shall require.

22 § 6. Statewide bond reserve. One-third of the statewide ceiling is  
23 hereby set aside as a statewide bond reserve to be administered by the  
24 director. 1. Allocation of the statewide bond reserve among state agen-  
25 cies, local agencies and other issuers. The director shall transfer a  
26 portion of the statewide bond reserve to the commissioner for allocation  
27 to and use by local agencies and other issuers in accordance with the  
28 terms of this section. The remainder of the statewide bond reserve may  
29 be allocated by the director to state agencies in accordance with the  
30 terms of this section.

31 2. Allocation of statewide bond reserve to local agencies or other  
32 issuers. (a) Local agencies or other issuers may at any time apply to  
33 the commissioner for an allocation from the statewide bond reserve. Such  
34 application shall demonstrate:

35 (i) that the requested allocation is required under the code for the  
36 interest earned on the bonds to be excluded from the gross income of  
37 bondholders for federal income tax purposes;

38 (ii) that the local agency's remaining unused allocation provided  
39 pursuant to section four of this act, and other issuer's remaining  
40 unused allocation, or any available carryforward will be insufficient  
41 for the specific project or projects for which the reserve allocation is  
42 requested; and

43 (iii) that, except for those allocations made pursuant to section  
44 twelve of this act to enable carryforward elections, the requested allo-  
45 cation is reasonably expected to be used during the calendar year, and  
46 the requested future allocation is reasonably expected to be used in the  
47 calendar year to which the future allocation relates.

48 (b) In reviewing and approving or disapproving applications, the  
49 commissioner shall exercise discretion to ensure an equitable distrib-  
50 ution of allocations from the statewide bond reserve to local agencies  
51 and other issuers. Prior to making a determination on such applications,  
52 the commissioner shall notify and seek the recommendation of the presi-  
53 dent and chief executive officer of the New York state housing finance  
54 agency in the case of an application related to the issuance of multi-  
55 family housing or mortgage revenue bonds, and in the case of other

1 requests, such state officers, departments, divisions and agencies as  
2 the commissioner deems appropriate.

3 (c) Applications for allocations shall be made in such form and  
4 contain such information and reports as the commissioner shall require.

5 3. Allocation of statewide bond reserve to state agencies. The direc-  
6 tor may make an allocation from the statewide bond reserve to any state  
7 agency. Before making any allocation of statewide bond reserve to state  
8 agencies the director shall be satisfied: (a) that the allocation is  
9 required under the code for the interest earned on the bonds to be  
10 excluded from the gross income of bondholders for federal income tax  
11 purposes;

12 (b) that the state agency's remaining unused allocation provided  
13 pursuant to section five of this act or any available carryforward will  
14 be insufficient to accommodate the specific bond issue or issues for  
15 which the reserve allocation is requested; and

16 (c) that, except for those allocations made pursuant to section twelve  
17 of this act to enable carryforward elections, the requested allocation  
18 is reasonably expected to be used during the calendar year, and the  
19 requested future allocation is reasonably expected to be used in the  
20 calendar year to which the future allocation relates.

21 § 7. Access to employment opportunities. 1. All issuers shall require  
22 that any new employment opportunities created in connection with the  
23 industrial or manufacturing projects financed through the issuance of  
24 qualified small issue bonds shall be listed with the New York state  
25 department of labor and with the one-stop career center established  
26 pursuant to the federal workforce investment act (Pub. L. No. 105-220)  
27 serving the locality in which the employment opportunities are being  
28 created. Such listing shall be in a manner and form prescribed by the  
29 commissioner. All issuers shall further require that for any new employ-  
30 ment opportunities created in connection with an industrial or manufac-  
31 turing project financed through the issuance of qualified small issue  
32 bonds by such issuer, industrial or manufacturing firms shall first  
33 consider persons eligible to participate in workforce investment act  
34 (Pub. L. No. 105-220) programs who shall be referred to the industrial  
35 or manufacturing firm by one-stop centers in local workforce investment  
36 areas or by the department of labor. Issuers of qualified small issue  
37 bonds are required to monitor compliance with the provisions of this  
38 section as prescribed by the commissioner.

39 2. Nothing in this section shall be construed to require users of  
40 qualified small issue bonds to violate any existing collective bargain-  
41 ing agreement with respect to the hiring of new employees. Failure on  
42 the part of any user of qualified small issue bonds to comply with the  
43 requirements of this section shall not affect the allocation of bonding  
44 authority to the issuer of the bonds or the validity or tax exempt  
45 status of such bonds.

46 § 8. Overlapping jurisdictions. In a geographic area represented by a  
47 county local agency and one or more sub-county local agencies, the allo-  
48 cation granted by section four of this act with respect to such area of  
49 overlapping jurisdiction shall be apportioned one-half to the county  
50 local agency and one-half to the sub-county local agency or agencies.  
51 Where there is a local agency for the benefit of a village within the  
52 geographic area of a town for the benefit of which there is a local  
53 agency, the allocation of the village local agency shall be based on the  
54 population of the geographic area of the village, and the allocation of  
55 the town local agency shall be based upon the population of the  
56 geographic area of the town outside of the village. Notwithstanding the



1 foregoing, a local agency may surrender all or part of its allocation  
2 for such calendar year to another local agency with an overlapping  
3 jurisdiction. Such surrender shall be made at such time and in such  
4 manner as the commissioner shall prescribe.

5 § 9. Ineligible local agencies. To the extent that any allocation of  
6 the local agency set-aside would be made by this act to a local agency  
7 which is ineligible to receive such allocation under the code or under  
8 regulations interpreting the state volume ceiling provisions of the  
9 code, such allocation shall instead be made to the political subdivision  
10 for whose benefit that local agency was created.

11 § 10. Municipal reallocation. The chief executive officer of any poli-  
12 tical subdivision or, if such political subdivision has no chief execu-  
13 tive officer, the governing board of the political subdivision for the  
14 benefit of which a local agency has been established, may withdraw all  
15 or any portion of the allocation granted by section four of this act to  
16 such local agency. The political subdivision may then reallocate all or  
17 any portion of such allocation, as well as all or any portion of the  
18 allocation received pursuant to section nine of this act, to itself or  
19 any other issuer established for the benefit of that political subdivi-  
20 sion or may assign all or any portion of the allocation received pursu-  
21 ant to section nine of this act to the local agency created for its  
22 benefit. The chief executive officer or governing board of the political  
23 subdivision, as the case may be, shall notify the commissioner of any  
24 such reallocation.

25 § 11. Future allocations for multi-year housing development projects.  
26 1. In addition to other powers granted under this act, the commissioner  
27 is authorized to make the following future allocations of statewide  
28 ceiling for any multi-year housing development project for which the  
29 commissioner also makes an allocation of statewide ceiling for the  
30 current year under this act or for which, in the event of expiration of  
31 provisions of this act described in section eighteen of this act, an  
32 allocation of volume cap for a calendar year subsequent to such expira-  
33 tion shall have been made under section 146 of the code: (a) to local  
34 agencies from the local agency set-aside (but only with the approval of  
35 the chief executive officer of the political subdivision to which the  
36 local agency set-aside relates or the governing body of a political  
37 subdivision having no chief executive officer) and

38 (b) to other issuers from that portion, if any, of the statewide bond  
39 reserve transferred to the commissioner by the director. Any future  
40 allocation made by the commissioner shall constitute an allocation of  
41 statewide ceiling for the future year specified by the commissioner and  
42 shall be deemed to have been made on the first day of the future year so  
43 specified.

44 2. In addition to other powers granted under this act, the director is  
45 authorized to make future allocations of statewide ceiling from the  
46 state agency set-aside or from the statewide bond reserve to state agen-  
47 cies for any multi-year housing development project for which the direc-  
48 tor also makes an allocation of statewide ceiling from the current year  
49 under this act or for which, in the event of expiration of provisions of  
50 this act described in section eighteen of this act, an allocation of  
51 volume cap for a calendar year subsequent to such expiration shall have  
52 been made under section 146 of the Code, and is authorized to make  
53 transfers of the statewide bond reserve to the commissioner for future  
54 allocations to other issuers for multi-year housing development projects  
55 for which the commissioner has made an allocation of statewide ceiling  
56 for the current year. Any such future allocation or transfer of the

1 statewide bond reserve for future allocation made by the director shall  
2 constitute an allocation of statewide ceiling or transfer of the state-  
3 wide bond reserve for the future years specified by the director and  
4 shall be deemed to have been made on the first day of the future year so  
5 specified.

6 3. (a) If an allocation made with respect to a multi-year housing  
7 development project is not used by October fifteenth of the year to  
8 which the allocation relates, the allocation with respect to the then  
9 current year shall be subject to recapture in accordance with the  
10 provisions of section twelve of this act, and in the event of such a  
11 recapture, unless a carryforward election by another issuer shall have  
12 been approved by the commissioner or a carryforward election by a state  
13 agency shall have been approved by the director, all future allocations  
14 made with respect to such project pursuant to subdivision one or two of  
15 this section shall be canceled.

16 (b) The commissioner and the director shall have the authority to make  
17 future allocations from recaptured current year allocations and canceled  
18 future allocations to multi-year housing development projects in a  
19 manner consistent with the provisions of this act. Any such future allo-  
20 cation shall, unless a carryforward election by another issuer shall  
21 have been approved by the commissioner or a carryforward election by a  
22 state agency shall have been approved by the director, be canceled if  
23 the current year allocation for the project is not used by December 31,  
24 2017.

25 (c) The commissioner and the director shall establish procedures  
26 consistent with the provisions of this act relating to carryforward of  
27 future allocations.

28 4. The aggregate future allocations from either of the two succeeding  
29 years shall not exceed six hundred fifty million dollars for each such  
30 year.

31 § 12. Year end allocation recapture. On or before October first of  
32 each year, each state agency shall report to the director and each local  
33 agency and each other issuer shall report to the commissioner the amount  
34 of bonds subject to allocation under this act that will be issued prior  
35 to the end of the then current calendar year, and the amount of the  
36 issuer's then total allocation that will remain unused. As of October  
37 fifteenth of each year, the unused portion of each local agency's and  
38 other issuer's then total allocation as reported and the unallocated  
39 portion of the set-aside for state agencies shall be recaptured and  
40 added to the statewide bond reserve and shall no longer be available to  
41 covered bond issuers except as otherwise provided herein. From October  
42 fifteenth through the end of the year, each local agency or other issuer  
43 having an allocation shall immediately report to the commissioner and  
44 each state agency having an allocation shall immediately report to the  
45 director any changes to the status of its allocation or the status of  
46 projects for which allocations have been made which should affect the  
47 timing or likelihood of the issuance of covered bonds therefor. If the  
48 commissioner determines that a local agency or other issuer has overes-  
49 timated the amount of covered bonds subject to allocation that will be  
50 issued prior to the end of the calendar year, the commissioner may  
51 recapture the amount of the allocation to such local agency or other  
52 issuer represented by such overestimation by notice to the local agency  
53 or other issuer, and add such allocation to the statewide bond reserve.  
54 The director may likewise make such determination and recapture with  
55 respect to state agency allocations.

1 § 13. Allocation carryforward. 1. No local agency or other issuer  
2 shall make a carryforward election utilizing any unused allocation  
3 (pursuant to section 146(f) of the code) without the prior approval of  
4 the commissioner. Likewise no state agency shall make or file such an  
5 election, or elect to issue or carryforward mortgage credit certif-  
6 icates, without the prior approval of the director.

7 2. On or before November fifteenth of each year, each state agency  
8 seeking unused statewide ceiling for use in future years shall make a  
9 request for an allocation for a carryforward to the director, whose  
10 approval shall be required before a carryforward election is filed by or  
11 on behalf of any state agency. A later request may also be considered by  
12 the director, who may file a carryforward election for any state agency  
13 with the consent of such agency.

14 3. On or before November fifteenth of each year, each local agency or  
15 other issuer seeking unused statewide ceiling for use in future years  
16 shall make a request for an allocation for a carryforward to the commis-  
17 sioner, whose approval shall be required before a carryforward election  
18 is filed by or on behalf of any local or other agency. A later request  
19 may also be considered by the commissioner.

20 § 14. New York state bond allocation policy advisory panel. 1. There  
21 is hereby created a policy advisory panel and process to provide policy  
22 advice regarding the priorities for distribution of the statewide ceil-  
23 ing.

24 2. The panel shall consist of five members, one designee being  
25 appointed by each of the following: the governor, the temporary presi-  
26 dent of the senate, the speaker of the assembly, the minority leader of  
27 the senate and the minority leader of the assembly. The designee of the  
28 governor shall chair the panel. The panel shall monitor the allocation  
29 process through the year, and in that regard, the division of the budget  
30 and the department of economic development shall assist and cooperate  
31 with the panel as provided in this section. The advisory process shall  
32 operate through the issuance of advisory opinions by members of the  
33 panel as provided in subdivisions six and seven of this section. A meet-  
34 ing may be held at the call of the chair with the unanimous consent of  
35 the members.

36 3. (a) Upon receipt of a request for allocation or a request for  
37 approval of a carryforward election from the statewide reserve from a  
38 local agency or other issuer, the commissioner shall, within five work-  
39 ing days, notify the panel of such request and provide the panel with  
40 copies of all application materials submitted by the applicant.

41 (b) Upon receipt of a request for allocation or a request for approval  
42 of carryforward election from the statewide reserve from a state agency,  
43 the director shall, within five working days, notify the panel of such  
44 request and provide the panel with copies of all application materials  
45 submitted by the applicant.

46 4. (a) Following receipt of a request for allocation from a local  
47 agency or other issuer, the commissioner shall notify the panel of a  
48 decision to approve or exclude from further consideration such request,  
49 and the commissioner shall state the reasons. Such notification shall be  
50 made with or after the transmittal of the information specified in  
51 subdivision three of this section and at least five working days before  
52 formal notification is made to the applicant.

53 (b) Following receipt of a request for allocation from a state agency,  
54 the director shall notify the panel of a decision to approve or exclude  
55 from further consideration such request, and shall state the reasons.  
56 Such notification shall be made with or after the transmission of the

1 information specified in subdivision three of this section and at least  
2 five working days before formal notification is made to the state agen-  
3 cy.

4 5. The requirements of subdivisions three and four of this section  
5 shall not apply to adjustments to allocations due to bond sizing chang-  
6 es.

7 6. In the event that any decision to approve or to exclude from  
8 further consideration a request for allocation is made within ten work-  
9 ing days of the end of the calendar year and in the case of all requests  
10 for consent to a carryforward election, the commissioner or director, as  
11 is appropriate, shall provide the panel with the longest possible  
12 advance notification of the action, consistent with the requirements of  
13 the code, and shall, wherever possible, solicit the opinions of the  
14 members of the panel before formally notifying any applicant of the  
15 action. Such notification may be made by means of telephone communi-  
16 cation to the members or by written notice delivered to the Albany  
17 office of the appointing authority of the respective members.

18 7. Upon notification by the director or the commissioner, any member  
19 of the panel may, within five working days, notify the commissioner or  
20 the director of any policy objection concerning the expected action. If  
21 three or more members of the panel shall submit policy objections in  
22 writing to the intended action, the commissioner or the director shall  
23 respond in writing to the objection prior to taking the intended action  
24 unless exigent circumstances make it necessary to respond after the  
25 action has been taken.

26 8. On or before the first day of July, in any year, the director shall  
27 report to the members of the New York state bond allocation policy advi-  
28 sory panel on the actual utilization of volume cap for the issuance of  
29 bonds during the prior calendar year and the amount of such cap allo-  
30 cated for carryforwards for future bond issuance. The report shall  
31 include, for each local agency or other issuer and each state agency the  
32 initial allocation, the amount of bonds issued subject to the allo-  
33 cation, the amount of the issuer's allocation that remained unused, the  
34 allocation of the statewide bond reserve, carryforward allocations and  
35 recapture of allocations. Further, the report shall include projections  
36 regarding private activity bond issuance for state and local issuers for  
37 the calendar year, as well as any recommendations for legislative  
38 action.

39 § 15. Severability. If any clause, sentence, paragraph, section, or  
40 part of this act shall be adjudged by any court of competent jurisdic-  
41 tion to be invalid, such judgment shall not affect, impair, or invali-  
42 date the remainder thereof, but shall be confined in its operation to  
43 the clause, sentence, paragraph, section, or part thereof directly  
44 involved in the controversy in which such judgment shall have been  
45 rendered.

46 § 16. Notwithstanding any provisions of this act to the contrary (1)  
47 provided that a local agency or other issuer certifies to the commis-  
48 sioner on or before October 1, 2016 that it has issued private activity  
49 bonds described in this section and the amount thereof which used state-  
50 wide ceiling, a commitment or allocation of statewide ceiling to a local  
51 agency or other issuer made to or so used by such local agency or other  
52 issuer pursuant to the federal tax reform act of 1986 on or after Janu-  
53 ary 1, 2016 and prior to the effective date of this act, in an amount  
54 which exceeds the local agency set-aside established by section four of  
55 this act, shall be first chargeable to the statewide bond reserve estab-  
56 lished pursuant to section six of this act, and

1 (2) a commitment or allocation of statewide ceiling to a state agency  
2 made to or used by such agency pursuant to the internal revenue code, as  
3 amended, on or after January 1, 2016 and prior to the effective date of  
4 this act, shall be first chargeable to the state agency set-aside estab-  
5 lished pursuant to section five of this act, and, thereafter, to the  
6 statewide bond reserve established by section six of this act.

7 § 17. Nothing contained in this act shall be deemed to supersede,  
8 alter or impair any allocation used by or committed by the director or  
9 commissioner to a state or local agency or other issuer pursuant to the  
10 federal tax reform act of 1986 and prior to the effective date of this  
11 act.

12 § 18. This act shall take effect immediately; provided, however, that  
13 sections three through ten, twelve, thirteen and fourteen of this act  
14 shall expire July 1, 2018 when upon such date the provisions of such  
15 sections shall be deemed repealed; except that the provisions of subdi-  
16 visions 2 and 3 of section thirteen of this act shall expire and be  
17 deemed repealed February 15, 2018.

18 PART S

19 Intentionally Omitted

20 PART T

21 Section 1. Subdivisions 1 and 2 of section 27-1905 of the environ-  
22 mental conservation law, as amended by section 1 of part G of chapter 58  
23 of the laws of 2013, are amended to read as follows:

24 1. Until December thirty-first, two thousand [sixteen] nineteen,  
25 accept from a customer, waste tires of approximately the same size and  
26 in a quantity equal to the number of new tires purchased or installed by  
27 the customer; and

28 2. Until December thirty-first, two thousand [sixteen] nineteen, post  
29 written notice in a prominent location, which must be at least eight and  
30 one-half inches by fourteen inches in size and contain the following  
31 language:

32 "New York State law requires us to accept and manage waste tires from  
33 vehicles in exchange for an equal number of new tires that we sell or  
34 install. Tire retailers are required to charge a separate and distinct  
35 waste tire management and recycling fee of \$2.50 for each new tire sold.

36 The retailers in addition are authorized, at their sole discretion, to  
37 pass on waste tire management and recycling costs to tire purchasers.  
38 Such costs may be included as part of the advertised price of the new  
39 tire, or charged as a separate per-tire charge in an amount not to  
40 exceed \$2.50 on each new tire sold."

41 The written notice shall also contain one of the following statements  
42 at the end of the aforementioned language and as part of the notice,  
43 which shall accurately indicate the manner in which the tire service  
44 charges for waste tire management and recycling costs, and the amount of  
45 any charges that are separately invoiced for such costs:

46 "Our waste tire management and recycling costs are included in the  
47 advertised price of each new tire.", or

48 "We charge a separate per-tire charge of \$\_\_\_\_ on each new tire sold  
49 that will be listed on your invoice to cover our waste tire management  
50 and recycling costs."

51 § 2. Subdivisions 1, 2 and 3 and paragraph (a) of subdivision 6 of  
52 section 27-1913 of the environmental conservation law, as amended by

1 section 2 of part G of chapter 58 of the laws of 2013, are amended to  
2 read as follows:

3 1. Until December thirty-first, two thousand [sixteen] nineteen, a  
4 waste tire management and recycling fee of two dollars and fifty cents  
5 shall be charged on each new tire sold. The fee shall be paid by the  
6 purchaser to the tire service at the time the new tire or new motor  
7 vehicle is purchased.

8 The waste tire management and recycling fee does not apply to:

9 (a) recapped or resold tires;

10 (b) mail-order sales; or

11 (c) the sale of new motor vehicle tires to a person solely for the  
12 purpose of resale provided the subsequent retail sale in this state is  
13 subject to such fee.

14 2. Until December thirty-first, two thousand [sixteen] nineteen, the  
15 tire service shall collect the waste tire management and recycling fee  
16 from the purchaser at the time of the sale and shall remit such fee to  
17 the department of taxation and finance with the quarterly report filed  
18 pursuant to subdivision three of this section.

19 (a) The fee imposed shall be stated as an invoice item separate and  
20 distinct from the selling price of the tire.

21 (b) The tire service shall be entitled to retain an allowance of twen-  
22 ty-five cents per tire from fees collected.

23 3. Until March thirty-first, two thousand [seventeen] twenty, each  
24 tire service maintaining a place of business in this state shall make a  
25 return to the department of taxation and finance on a quarterly basis,  
26 with the return for December, January, and February being due on or  
27 before the immediately following March thirty-first; the return for  
28 March, April, and May being due on or before the immediately following  
29 June thirtieth; the return for June, July, and August being due on or  
30 before the immediately following September thirtieth; and the return for  
31 September, October, and November being due on or before the immediately  
32 following December thirty-first.

33 (a) Each return shall include:

34 (i) the name of the tire service;

35 (ii) the address of the tire service's principal place of business and  
36 the address of the principal place of business (if that is a different  
37 address) from which the tire service engages in the business of making  
38 retail sales of tires;

39 (iii) the name and signature of the person preparing the return;

40 (iv) the total number of new tires sold at retail for the preceding  
41 quarter and the total number of new tires placed on motor vehicles prior  
42 to original retail sale;

43 (v) the amount of waste tire management and recycling fees due; and

44 (vi) such other reasonable information as the department of taxation  
45 and finance may require.

46 (b) Copies of each report shall be retained by the tire service for  
47 three years.

48 If a tire service ceases business, it shall file a final return and  
49 remit all fees due under this title with the department of taxation and  
50 finance not more than one month after discontinuing that business.

51 (a) Until December thirty-first, two thousand [sixteen] nineteen, any  
52 additional waste tire management and recycling costs of the tire service  
53 in excess of the amount authorized to be retained pursuant to paragraph

54 (b) of subdivision two of this section may be included in the published  
55 selling price of the new tire, or charged as a separate per-tire charge  
56 on each new tire sold. When such costs are charged as a separate per-

1 tire charge: (i) such charge shall be stated as an invoice item separate  
2 and distinct from the selling price of the tire; (ii) the invoice shall  
3 state that the charge is imposed at the sole discretion of the tire  
4 service; and (iii) the amount of such charge shall reflect the actual  
5 cost to the tire service for the management and recycling of waste tires  
6 accepted by the tire service pursuant to section 27-1905 of this title,  
7 provided however, that in no event shall such charge exceed two dollars  
8 and fifty cents on each new tire sold.

9 § 3. This act shall take effect immediately.

10

## PART U

11 Section 1. Paragraph a of subdivision 2 of section 92-s of the state  
12 finance law, as added by chapter 610 of the laws of 1993, is amended to  
13 read as follows:

14 a. The comptroller shall establish the following separate and distinct  
15 accounts within the environmental protection fund:

- 16 (i) solid waste account;  
17 (ii) parks, recreation and historic preservation account;  
18 (iii) open space account; [and]  
19 (iv) climate change account; and  
20 (v) environmental protection transfer account.

21 § 2. Paragraphs (b) and (c) of subdivision 6 of section 92-s of the  
22 state finance law, as amended by chapter 432 of the laws of 1997, are  
23 amended to read as follows:

24 (b) Moneys from the solid waste account shall be available, pursuant  
25 to appropriation and upon certificate of approval of availability by the  
26 director of the budget, for any non-hazardous municipal landfill closure  
27 project; municipal waste reduction or recycling project, as defined in  
28 article fifty-four of the environmental conservation law; for the  
29 purposes of section two hundred sixty-one and section two hundred  
30 sixty-four of the economic development law; any project for the develop-  
31 ment, updating or revision of local solid waste management plans pursu-  
32 ant to sections 27-0107 and 27-0109 of the environmental conservation  
33 law; environmental justice projects and grants and for the development  
34 of the pesticide sales and use data base [in conjunction with Cornell  
35 University] pursuant to title twelve of article thirty-three of the  
36 environmental conservation law.

37 (c) Moneys from the parks, recreation and historic preservation  
38 account shall be available, pursuant to appropriation, for any municipal  
39 park project, historic preservation project, urban cultural park  
40 project, waterfront revitalization program, coastal rehabilitation  
41 project. Provided, however, that no less than fifty percent of such  
42 moneys shall be made available for projects which are in or primarily  
43 serve areas where demographic and other relevant data for such areas  
44 demonstrate that the areas are densely populated and have sustained  
45 physical deterioration, decay, neglect or where a substantial proportion  
46 of the residential population is of low income or is otherwise disadvan-  
47 tagged and is underserved with the existing recreational opportunity in  
48 the area.

49 § 3. Subdivisions 1 and 2 of section 54-1101 of the environmental  
50 conservation law, subdivision 1 as amended by chapter 355 of the laws of  
51 2014 and subdivision 2 as amended by chapter 309 of the laws of 1996,  
52 are amended to read as follows:

53 1. The secretary is authorized to provide on a competitive basis,  
54 within amounts appropriated, state assistance payments and/or technical

1 assistance as defined in section nine hundred seventeen of the executive  
2 law, to municipalities toward the [cost] development of any local water-  
3 front revitalization program, pursuant to article forty-two of the exec-  
4 utive law including planning projects to mitigate future physical  
5 climate risks and updates to existing local waterfront revitalization  
6 program plans to mitigate future physical climate risks. Eligible costs  
7 include planning, studies, preparation of local laws, and construction  
8 projects.

9 2. State assistance payments and/or technical assistance, as defined  
10 in section nine hundred seventeen of the executive law, shall not exceed  
11 fifty percent of the cost of the program, except for projects which are  
12 in or primarily serve areas where demographic and other relevant data  
13 for such areas demonstrate that the areas are densely populated and have  
14 sustained physical deterioration, decay, neglect or where a substantial  
15 proportion of the residential population is of low income or is other-  
16 wise disadvantaged, in which case state assistance payments and/or tech-  
17 nical assistance shall not exceed ninety percent of the cost of the  
18 program. For the purpose of determining the amount of state assistance  
19 payments, costs shall not be more than the amount set forth in the  
20 application for state assistance payments approved by the secretary. The  
21 state assistance payments shall be paid on audit and warrant of the  
22 state comptroller on a certificate of availability of the director of  
23 the budget.

24 § 4. Paragraph (a) of subdivision 1 of section 33-1201 of the environ-  
25 mental conservation law, as added by chapter 279 of the laws of 1996, is  
26 amended to read as follows:

27 a. The department shall develop a pesticide sales and use computer  
28 data base [in conjunction with Cornell University]. The data base shall  
29 be maintained at the department.

30 § 5. Section 912 of the executive law is amended by adding a new  
31 subdivision 17 to read as follows:

32 17. To encourage state agencies and local governments to consider  
33 physical climate risks in planning and development efforts.

34 § 6. Paragraphs a and b of subdivision 1 of section 918 of the execu-  
35 tive law, as added by chapter 840 of the laws of 1981, are amended to  
36 read as follows:

37 a. To any local governments, or to two or more local governments, for  
38 projects approved by the secretary which lead to preparation of a water-  
39 front revitalization program; provided, however, that such grants shall  
40 not exceed fifty percent of the approved cost of such projects, except  
41 for projects which are in or primarily serve areas where demographic and  
42 other relevant data for such areas demonstrate that the areas are dense-  
43 ly populated and have sustained physical deterioration, decay, neglect  
44 or where a substantial proportion of the residential population is of  
45 low income or is otherwise disadvantaged, in which case such grants  
46 shall not exceed ninety percent of the approved cost of such projects;

47 b. To any local government or local government agency for research,  
48 design, and other activities which serve to facilitate construction  
49 projects provided for in an approved waterfront revitalization program;  
50 provided, however, that such projects shall take into account the future  
51 physical climate risk due to sea level rise, and/or storm surges and/or  
52 flooding, based on available data predicting the likelihood of future  
53 extreme weather events including hazard risk analysis data if applicable  
54 and provided, further, that such grants or payments shall not exceed ten  
55 percent of the estimated cost of such construction project.

56 § 7. This act shall take effect immediately.



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PART V

Intentionally Omitted

PART W

Section 1. Section 5 of chapter 77 of the laws of 2010 amending the environmental conservation law and the public health law relating to an environmental facility and cancer incidence map, is amended to read as follows:

§ 5. This act shall take effect immediately [and shall expire and be deemed repealed March 31, 2016].

§ 2. This act shall take effect immediately.

PART X

Section 1. Zero emissions vehicle and clean-burning fuel vehicle rebate program. 1. Definitions. For purposes of this act, the following terms shall have the following meanings:

a. "Authority" shall mean the New York state energy research and development authority.

b. "Eligible infrastructure project" shall mean any facility (not including a building and its structural components) that is used primarily for the public charging and/or fueling of zero emissions vehicles or vehicles utilizing clean-burning fuel that has received required federal, state and local permits and authorizations.

c. "Eligible purchase" shall mean the purchase to own or lease for a period of not less than thirty-six months of a zero emissions vehicle or a vehicle utilizing clean-burning fuel placed into service on or after the effective date of this act at a dealer located within New York.

d. "Zero emissions vehicle" shall mean a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational mode or conditions.

e. "Clean-burning fuel" shall mean fuel at least eighty-five percent of the volume of which consists of hydrogen.

2. No later than one year after the effective date of this act, the authority shall develop a program to encourage the deployment of:

a. zero emissions vehicles and vehicles utilizing clean-burning fuel; and

b. eligible infrastructure projects which support the deployment of zero emission vehicles and vehicles utilizing clean-burning fuel.

3. The program created pursuant to this act shall offer incentives until April 1, 2023 and shall include:

a. rebates for eligible purchases, provided that (i) an individual may receive a maximum of one rebate per year and (ii) a rebate for an eligible purchase shall not exceed five thousand dollars; and

b. rebates for eligible infrastructure projects, provided that an applicant for such eligible infrastructure project rebate may receive a maximum rebate of two hundred fifty thousand dollars per facility.

4. Within one year of the effective date of this act, the authority shall promulgate rules to implement and administer this act including rules relating to the forms required to claim a rebate, the required documentation for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, and the collection of economic impact data from applicants and any other requirements the authority deems necessary.

1 The authority shall determine and publish on its website on an ongoing  
2 basis the amount of available funding for rebates remaining in each  
3 fiscal year.

4 5. No later than April 1, 2018 and annually thereafter, the authority  
5 shall issue a report to the temporary president of the senate, the  
6 speaker of the assembly, the chair of the senate committee on energy and  
7 telecommunications and the chair of the assembly committee on energy  
8 detailing the status of its program to encourage the deployment of zero  
9 emissions vehicles and vehicles utilizing clean-burning fuel. Such  
10 report shall include:

11 a. the amount of funding dedicated by the authority for the program in  
12 the preceding year;

13 b. the amount of eligible purchases and eligible infrastructure  
14 projects for which a rebate was awarded;

15 c. the amount and geographic distribution of rebates; and

16 d. any other information the authority deems necessary.

17 § 2. This act shall take effect immediately.

18

#### PART Y

19 Section 1. 1. Legislative findings and intent. The legislature hereby  
20 finds and declares that the construction of new roadways often generates  
21 additional motor vehicle traffic and fails to alleviate roadway  
22 congestion. The legislature further finds and declares that the  
23 construction of new mass transit routes and services reduces motor vehi-  
24 cle traffic and alleviates roadway congestion.

25 2. The metropolitan transportation authority (MTA) shall conduct a  
26 comprehensive feasibility study of the reactivation of the Long Island  
27 Rail Road Rockaway Beach rail line. The MTA shall submit such study, no  
28 later than March 1, 2017, to the governor, the temporary president of he  
29 senate and the speaker of the assembly.

30 3. The MTA shall produce an environmental impact statement in accord-  
31 ance with article 8 of the environmental conservation law for the  
32 construction of a light rail system along the west shore of Staten  
33 Island. The MTA shall submit such environmental impact statement, no  
34 later than 30 days after its completion, to the governor, the temporary  
35 president of the senate and the speaker of the assembly.

36 4. Notwithstanding any provision of any general, special or local law,  
37 ordinance, order, rule, regulation or administrative code to the contra-  
38 ry, no state funds shall be expended to study the construction of a  
39 tunnel from Long Island to connect to any location in Bronx county,  
40 Westchester county, or the state of Connecticut.

41 5. For purposes of this act, the term "metropolitan transportation  
42 authority" or "MTA" shall mean the corporation created by section 1263  
43 of the public authorities law.

44 § 2. This act shall take effect immediately.

45

#### PART Z

46 Section 1. Subpart H of part C of chapter 20 of the laws of 2015  
47 appropriating money for certain municipal corporations and school  
48 districts is amended to read as follows:

49 Section 1. Legislative findings. A result of the closure of coal-  
50 fired electric generating power plants is the significant reduction in  
51 the tax base of host communities. It is the desire and purpose of this  
52 act to mitigate the impact of the loss of local tax base. Accordingly,

1 the legislature thereby recognizes the necessity of allocating addi-  
2 tional moneys under this subpart, the fossil fuel electric generation  
3 facility cessation mitigation fund, in order to assist affected communi-  
4 ties.

5 § 2. Contingent upon available funding, and not to exceed  
6 ~~[\$19,000,000]~~ \$50,000,000, moneys from the urban development corporation  
7 shall be available for a [municipal corporation or school district]  
8 local government entity, which for the purposes of this section shall  
9 mean a county, city, town, village, school district or special district,  
10 [as determined by the urban development corporation,] where (i) a fossil  
11 fuel electric generating facility located within such [municipal corpo-  
12 ration or school district] local government entity has [permanently]  
13 ceased operations, and (ii) the closing of such facility has caused a  
14 reduction in the real property [tax collections and receipts from] taxes  
15 or payments in lieu of taxes [of at least 20%, or any judicial determi-  
16 nation concerning a fossil fuel electric generating facility, has caused  
17 a reduction in the tax collections and receipts from payments in lieu of  
18 taxes of at least 20%; provided, however, that the urban development  
19 corporation shall not provide assistance to a municipal corporation or  
20 school district for more than five years, and shall not award in the  
21 first year more than eighty percent of the loss of revenues from proper-  
22 ty tax and payments in lieu of taxes due to the closure of such facili-  
23 ty.] imposed upon such fossil fuel electric generating facility. Such  
24 moneys shall be paid annually by the urban development corporation to  
25 such local government entity within 30 days of a reduction in property  
26 taxes or payments in lieu of taxes imposed upon such facility and  
27 attributable to the cessation of operations. For purposes of this  
28 section, any local government entity seeking assistance under the fossil  
29 fuel electric generation facility cessation mitigation fund must submit  
30 an attestation to the public service commission that a facility is no  
31 longer producing electricity and is no longer participating in markets  
32 operated by the bulk system operator serving the state of New York  
33 (BSO). After receipt of such attestation, the public service commission  
34 shall confirm such information with the BSO. In the case that the BSO  
35 confirms to the commission that the facility is no longer producing  
36 electricity and participating in markets operated by such BSO, it shall  
37 be deemed that the fossil fuel electric generating facility located  
38 within the local government entity has ceased operation. The amount of  
39 such annual payment shall be in the amount of the differential between  
40 the average annual property taxes and payments in lieu of taxes imposed  
41 upon the facility, exclusive of interest and penalties, over the prior  
42 ten years and the current property taxes and payments in lieu of taxes  
43 imposed upon the facility, exclusive of interest and penalties. The  
44 total amount awarded from this program shall not exceed [\$19,000,000]  
45 \$50,000,000.

46 § [2] 3. Notwithstanding any provision of law to the contrary, as  
47 deemed feasible and advisable by its trustees, the New York state energy  
48 research and development authority is authorized and directed to [(i)]  
49 make a contribution to the Urban Development Corporation, or as other-  
50 wise directed in writing by the director of the budget, in an amount not  
51 to exceed ~~[\$19,000,000]~~ \$50,000,000 for the state fiscal year commencing  
52 April 1, 2016.

53 § [3] 4. Notwithstanding any provision of law to the contrary, as  
54 deemed feasible and advisable by its trustees, the power authority of  
55 the state of New York is authorized and directed to make a contribution  
56 to the state treasury to the credit of the general fund, or as otherwise

1 directed in writing by the director of the budget, in an amount of up to  
2 \$6,000,000 for the state fiscal year commencing April 1, 2015. Such  
3 contribution shall be in addition to other contributions otherwise  
4 enacted in law.

5 § [4] 5. This act shall take effect immediately and shall expire and  
6 be deemed repealed by July 1, 2025.

7 § 2. This act shall take effect immediately, provided that the amend-  
8 ments to subpart H of part C of chapter 20 of the laws of 2015, made by  
9 section one of this act, shall not affect the expiration and repeal of  
10 such subpart, and shall expire and be deemed repealed therewith.

11 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
12 sion, section or part of this act shall be adjudged by any court of  
13 competent jurisdiction to be invalid, such judgment shall not affect,  
14 impair, or invalidate the remainder thereof, but shall be confined in  
15 its operation to the clause, sentence, paragraph, subdivision, section  
16 or part thereof directly involved in the controversy in which such judg-  
17 ment shall have been rendered. It is hereby declared to be the intent of  
18 the legislature that this act would have been enacted even if such  
19 invalid provisions had not been included herein.

20 § 3. This act shall take effect immediately provided, however, that  
21 the applicable effective date of Parts A through Z of this act shall be  
22 as specifically set forth in the last section of such Parts.