

2013-14 Transportation, Economic Development, Environment Article VII S.2608-D

- **PART A:** The Legislature amends the Executive's proposal by increasing the proposed funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) program by \$75 million. Marchiselli funding remains flat at 39.7 \$million
- **Part B:** The Legislature amends the Executive proposal to extend by five years the distribution of the transmission tax between the upstate (PTOA) and downstate (MMTOA) transit accounts.
- **PART C:** The Legislature amends the Executive proposal to change State law in order to comply with Federal Motor Carrier Safety Administration rules regarding cell phone use and texting by commercial motor vehicle operators.
- **PART D:** The Legislature accepts the Executive proposal to allow State branches of the Department of Motor Vehicles to be open on Saturdays. The Legislature adds language to protect DMV employees.
- **PART E:** The Legislature amends the Executive's financial assistance package for the New York State Thruway Authority by adding periodic reporting to the Legislature.
- **PART F:** The Legislature amends the Executive proposal to increase revenues deposited to the Environmental Protection Fund (EPF) by redirecting a \$19 million portion of unclaimed "Bottle Bill" deposit receipts currently deposited to the General Fund to the EPF, and by enhancing enforcement provisions to prevent fraudulent activities including authorizing the imposition of criminal sanctions associated with certain violations of the Bottle Bill Law.
- **PART G:** The Legislature amends the Executive proposal to make permanent the waste tire management and recycling fee by instead authorizing a three year extension from December 31, 2013 to December 31, 2016.
- **PART H:** The Legislature amends the proposal to permanently authorize UDC to issue loans, and instead extends the authorization for one year.
- **PART I:** The Legislature amends the proposal to allow the Dormitory Authority to provide design and construction services to the Department of Environmental Conservation and the Office of Parks, Recreation, and Historic Preservation until 2015 by extending the authorization for one year and requiring the Dormitory Authority to

provide a report regarding any projects undertaken pursuant to a design and construction management agreement.

- PART J: The Executive intentionally omitted this part in the 21 day amendments.
- PART K: The Legislature accepts the Executive's proposal to transfer \$913,000 from the Unrestricted Corporate Funds of the New York State Energy Research Development Authority to the General Fund to offset New York State's debt service requirements related to the Western New York Nuclear Service Center. This authorization is provided annually.
- PART L: The Legislature accepts the Executive proposal to authorize the Authority to finance a portion of its research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation's climate change program through an annual assessment on gas electric corporations.
- PART M: The Legislature accepts the Executive proposal to make the Department of Health's public service education expenses eligible for funding from the Department of Public Service's assessment on cable television companies. This authorization is provided annually.
- PART N: The Executive proposed to extend the provision of the 18-a assessment.
 - Modified and moved to Revenue
- PART O: The Executive proposed to implement the recommendations of the Moreland Commission.
 - Modified and moved to ELFA
- PART P: The Legislature accepts the Executive's proposal to extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents.
- PART Q: The Executive proposed amendments to the Not-for-Profit Corporation Law,.
 - The Legislature intentionally omitted this part without prejudice and remains committed to reforming and streamlining non-profit laws and incorporation through a comprehensive dialogue post-budget.
- PART R: The Legislature amends the Executive proposal to simplify and consolidate hunting and fishing licenses and to reduce the price of such licenses including the elimination of saltwater fishing license fees.
- PART S: The Legislature amends the Executive's proposal related to on-site backup generation capacity for retail gas and diesel providers as follows:
 - Applies to gas stations in the Downstate Region (New York City and Nassau, Rockland, Suffolk and Westchester counties) that are within ½ mile of a highway exit

or hurricane evacuation route. By April 1, 2014 they must install a generator or be pre-wired to be prepared to install a generator within 24 hours of a declared fuel shortage emergency. Federal grants will be provided up to \$10,000 to pre-wire or \$13,000 to pre-wire and install a generator. For pre-wire stations, New York State Energy Research and Development Authority (NYSERDA) will establish a pool of generators to provide to these gas stations during emergencies. Gas stations will only pay a rental fee if they receive a generator.

- Applies to 30 percent of chain store gas stations (10 or more stations owned by an entity) in the Downstate region that are not within ½ mile of a highway exit or evacuation route. By August 1, 2015, these gas stations must install a generator or pre-wire the station to be prepared to install a generator within 48 hours of a declared fuel shortage emergency. These gas stations are eligible for federal grants up to \$10,000.
- Exempts gas stations that sell less than 75,000 gallons of fuel per month on average. Fines up to \$1,500 can be imposed for failure to comply. These provisions supersede all local laws in the Downstate region relating to installation and deployment of generators at gas stations.
- Exempts gas stations outside Downstate region, but they can opt-in if federal funds are available. Also, NYSERDA will study whether similar generator provisions should be applied outside the Downstate region.
- Requires all newly constructed gas stations or gas stations that are torn down and rebuilt after April 1, 2015 to be pre-wired.
- Provisions effective only upon federal approval of federal funds for grant program.
- PART T: The Legislature included language to direct various state agencies and interested parties to study and offer recommendations for encouraging micro-grid systems in New York State. Micro-grid electrical systems are self sustaining distributed energy generation and transmission resources that can operate both on or off the grid, and are designed, in part, to help protect vital public health and safety infrastructure in the event of major disruptions to the power grid.
- PART U: The Legislature extends the implementation of the Diesel Emission Reduction Act (DERA) for one year from December 31, 2013 to December 31, 2014.
- PART V: The Legislature included language to amend the transportation law, in relation to airport improvement and revitalization grants and loans.

2013-14 Public Protection and General Government Article VII S.2605-D

- **PART A:** The Legislature accepts the Executive proposal to close Bayview and Beacon correctional facilities in the State fiscal year 2013-2014 with 60 days notice.
- **PART B:** The Legislature accepts the proposal to transfer and convey the Fulton Correctional Facility in the Bronx to the Thomas Mott Osborne Memorial Fund, Inc. to be used for reform and rehabilitation programs and for related community activities. The State would regain title if the property ever ceases to be used for such purposes.
- **PART C:** The Legislature modifies the Executive proposal to reject the restrictions on plea bargaining; allows minimum fines for mobile phone or texting while driving and reduces fines proposed for subsequent offenses; and adds a \$25 surcharge to violations of certain parking offenses, and increases currently imposed mandatory vehicle and traffic surcharges by eight dollars.
- **PART D:** The Legislature accepts the proposal to ratify the National Crime Prevention and Privacy Compact so that New York could participate in the National Fingerprint File, which is the infrastructure that facilitates the sharing of criminal records for non-criminal purposes.
- **PART E:** The Legislature amends the Executive proposal to make permanent certain criminal justice correctional services provisions by extending each provision/program for a period of two years. Such programs were due to expire September 1, 2013. Proposes to allow the use of the Community Treatment Facilities Program to continue.
- **PART F:** The Legislature accepts the proposal to extend for a year the provisions that allow District Attorneys in New York City to retain a portion of settlement recoveries they make before the filing of an accusatory instrument against a defendant.
- **PART G:** The Executive proposal to provide a stable pension contribution system for municipalities and school districts was modified;
 - Modified and moved to ELFA
- **PART H:** Executive proposed to amend the Civil Service Law in relation to the reimbursement of Medicare premium charges
 - The Legislature intentionally omitted this part.
- **PART I:** The Legislature concurs with the Executive proposal to create a New York State Gaming Commission Account, in the State Finance Law, for the purposes of disbursing payments for the administrative operation within the newly created Gaming Commission. The Account shall receive funds transfer from the state lottery fund

administration account, the regulation of racing account, the bell jar account or the regulation of Indian Gaming Account.

- **PART J:** The Legislature concurs with the Executive proposal to redirect one percent of revenues collected by Video Lottery Terminals (VLTS) for racing support (purse enhancements) and redirects those funds to the regulation of racing account within the Gaming Commission to pay for increased racehorse health and safety initiatives. Any unused portions to be returned to the purse accounts pro rata.
 - The Legislature amends the Executive proposal to create a seven member Task Force on Jockey Health Safety to assess, investigate and research issues involving safety and health of jockeys who regularly race at the thoroughbred racetracks in New York State. The task force members will be appointed by the Governor with one appointee being made on the recommendation of the Temporary President of the Senate and one on the recommendation of the Speaker of the Assembly. The Task force shall submit a report with recommendations regarding jockey health and pension benefits. The report shall be provided to the governor, temporary president of the senate, speaker of the assembly, minority leader of the senate and minority leader of the assembly within ninety days after the majority of its members are appointed.
- **Part K:** The Legislature amends the Executive proposal to improve the effectiveness of the Local Government Efficiency Grant Program and the Citizens Re-Organization Empowerment Grant Programs as follows:
 - The Legislature concurs with the Executive's Proposal regarding the local matching requirements for studies under both the Citizens Re-organization Empowerment Grant Program and the Local Government Efficiency Grant (10% to 50%) in order to require greater local contribution up front and reimbursement (90% of up from cost) upon implementation so that there would be a greater likelihood of project execution.
 - The Legislature amended the Executive proposal to enhance the application process for such grants in order to provide applicants an opportunity to correct certain technical deficiencies, such as incompleteness or incorrect filing in their grant applications, so long as they can still file the corrected application within the requisite deadline.
 - The Legislature amended the Executive proposal in order to require that a consolidation dissolution study include information associated with potential legal issues surrounding a reorganization as well as recommended steps to facilitate a reorganization in order to recognize potential problems that may later hinder achievement, as well as provide an outline for implementation.
- **PART L:** The Executive proposed to sunset every reporting requirement that a local government or school district is currently required to submit to a state agency or authority

under state statute or regulation on April 1, 2014 unless such reporting requirement is approved for continuation by the mandate relief council.

- The Legislature intentionally omitted this part.
- PART M: Authorizations for transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps.
 - Modified and moved to Revenue
- PART N: The Legislature accepts the Executive's proposal to transfer of the functions of the Office of Cyber Security to the Office of Information and Technology Services (ITS) from the Division of Homeland Security and Emergency Services.
- PART O: The Executive proposal for Workers Compensation System reform;
 - Modified and moved to ELFA
- PART P: The Legislature amends the Executive's proposal to authorize discretionary purchasing authority to state agencies for the purchase of food commodities that are grown, produced, or harvested in New York up to \$200,000 in value. Additionally, such purchases would be subject to advertisement on the agency's website and require that the agency purchase using lowest price for any such commodity if the commodity meets the form, function, and utility requirements and exceeds \$50,000 in value.
- PART Q : The Legislature accepts the proposal to authorize the adding of School districts and Boards of Cooperative Educational Services, (BOCES) to the current list of entities (cities, towns, counties and villages) that provide intrastate mutual aid in the event of a disaster that results in a formal declaration of an emergency. The extent of the aid provided by school districts and BOCES would be limited to the sharing of facilities management and administrative personnel and equipment.
- PART R: The Executive proposed to promote the continuity of care for individuals and enable direct care employees to have increased flexibility for employment opportunities;
 - The Legislature intentionally omitted this part.
- PART S: The Executive proposed to authorize certain State agencies and authorities to use design-build-finance contracts for their capital projects
 - The Legislature intentionally omitted this part.
- Part T: The Legislature accepts the Executive's proposal to increase the 2013-2014 South Mall Pilot payment \$7.85 million for the City of Albany. The 2031-2032 Pilot payment is decreased respectively by the same amount.
- PART U: The Executive proposed to fund new approaches to providing representation to indigent defendants for counsel at arraignment, including opening of courts during non-traditional hours, centralization or consolidation of arraignment venues, use of video conferencing for arraignments, and appointment of attorneys specifically to provide coverage during non-traditional court hours.

- The Legislature intentionally omitted this part.
- **PART V:** The Legislature amends the proposal to provide immunity from liability on mobile service providers that transmit emergency alerts for acts or omissions related to, or any harm resulting from, transmission of, or failure to transmit an emergency alert. Provided, however, that the service provider, officer, director, employee, vendor, or agent acted reasonably and in good faith.
- **PART W:** The Legislature included a proposal for a 5 year extension that provides the ability of the New York Property Underwriters Association (NYPIUA) to write broad form coverage. Broad form coverage allows consumers to be covered for property damage by burglars, falling objects, weight of ice and snow, accidental water or steam discharge, freezing, and sudden damage from artificial electric currents.
- **PART X:** The Legislature included a proposal to extend for one year the provision of section 5-a of the Legislative Law.
- **Part Y:** The Legislature included language to allow the Commissioner of Education the discretion to eliminate earning limitations for retired police officers employed by a school district as a School Resource Officer.
- **Part Z:** The Legislature included a proposal to extend the current assessment review process in Nassau County through June 30, 2014, and modify the period with which an aggrieved party may file an assessment correction for 2013.

2013-14 Capital Projects Enacted Budget Bill

S. 2604-E/A. 3004-E

Agriculture and Markets, Department of

- The Legislature provides \$2.5 million for improvements to the New York State Fair infrastructure from the New York Works Parks funding.

Children and Family Services

- The Legislature concurs with the All Funds recommendation of \$37.7 million, consistent with SFY 2012-13 levels.

City University of New York (CUNY)

- The Legislature concurs with the Executive recommendation of \$45.1 million.

Corrections and Community Supervision, Department of

- The Legislature concurs with the Executive recommendation of \$310 million.

Empire State Development Corporation

- The Legislature concurs with the following Executive recommendations:
 - \$53.89 million for the Ralph Wilson Stadium.
 - \$2.1 million for the retention of professional football in Western New York.
 - \$75 million for the Buffalo Regional Innovation Cluster.
 - \$55. million for the NY SUNY 2020 Challenge Grant Program.
 - \$55 million for the NY CUNY 2020 Challenge Grant Program.
 - \$150 million for the Regional Economic Development Council capital fund.
- The Legislature denies \$165 million for the New York Works Economic Development Fund.
- The Legislature provides \$12 million in additional Economic Development capital.

Miscellaneous Items

- The Legislature denies \$720 million in capital funding for the Transformative Capital Fund.
- The Legislature provides \$385 million in capital funding for the State and Municipal Facilities Program.

Environmental Conservation

- The Legislature concurs with the Executive recommendation of \$444.3 million including \$40 million in New York Works capital funding
- The Legislature approves \$153 million for the Environmental Protection Fund, an increase of \$19 million including:
 - \$1.1 million for Western NY municipal park and waterfront revitalization projects

- \$10.25 million for the State's zoos, botanical gardens and arboretums, an increase of \$1 million
- \$4.6 million, an increase of \$1 million for invasive species control efforts, including \$100,000 for Lake George
- \$14.2 million, an increase of \$1 million for non-agricultural non-point source pollution control
- \$20 million for land acquisition
- \$1.3 million for the Finger Lakes Lake Ontario Water Protection Alliance (FFLOWPA), an increase of \$300,000

General Services, Office of

- The Legislature concurs with the Executive recommendation of \$97 million.

Health, Department of

- The Legislature concurs with the Executive's recommendation of \$85.6 million.

Homeland Security and Emergency Services, Division of

- The Legislature amends the Executive recommendation of \$450 million to include:
 - Appropriation language requiring FEMA to provide the Legislature with disbursement levels for FEMA Superstorm Sandy Disaster Relief Aid.

Housing and Community Renewal

- The Legislature denies the Executive proposal to transfer the administration of the Homeless Housing Assistance Program (HHAP) from the Office of Temporary and Disability Assistance to the Division of Housing and Community Renewal.

Information Technology Services, Office of

- The Legislature concurs with the Executive recommendation of \$60 million.

Mental Hygiene

Alcoholism and Substance Abuse Services

- The Legislature concurs with the Executive's proposal of \$97.6 million.

Office for People with Developmental Disabilities

- The Legislature concurs with the Executive's proposal of \$197 million.

Mental Health, Office of

- The Legislature concurs with the Executive's proposal of \$197 million.

Metropolitan Transit Authority

- The Legislature concurs with the Executives proposal to continue the \$770 million in State support appropriated last year.

Military and Naval Affairs, Division of

- The Legislature concurs with the Executive recommendation of \$39.2 million.

Motor Vehicles, Department of

- The Legislature supports the Executive proposal of \$205.7 million, of which \$4.5 million is allocated to establish the Customer Service Initiative to improve customer service and reduce wait times.

New York Energy Research and Development Authority

- The Legislature concurs with the Executive proposal of \$25 million for Cleaner, Greener Community.

Parks, Recreation and Historic Preservation

- The Legislature amends the Executive proposal of \$106.2 million by transferring \$2.5 million from New York Works Capital to the Department of Agriculture and Markets for improvements to the State Fair Grounds in Syracuse.
- \$47.5 million in additional New York Works Capital from Parks

State Police, Division of

- The Legislature eliminates \$32.7 million in capital funding related to the development of a pistol permit database.

State University of New York (SUNY)

- The Legislature concurs with the Executive recommendation of \$286.6 million.

Temporary and Disability Assistance

- The Legislature denies the Executive proposal to transfer administration of the Homeless Housing Assistance Program (HHAP) from the Office of Temporary and Disability Assistance to the Division of Housing and Community Renewal and provides an All Funds Recommendation of \$30 million, consistent with SFY 2012-13 levels.

Thruway Authority

- The Legislature concurs with the Executive proposal to allocate \$2 million in capital funds to the Canal Corporation's revenue collection pass-through account.

Transportation, Department of

- The Legislature concurs with the Executive Proposal of \$4.3 Billion in funding and including the following:
 - A new \$3.7 billion two-year Transportation Capital Program
 - Project lists for SFY 2013-14 and SFY 2014-15, with proposed letting dates and reporting requirements
 - A commitment to submit a Five Year Capital Program for the years SFY 2015-16 through 2019-20.
- The Legislature concurs with \$300 million in new capital spending level, and allocates funds as follows:
 - \$155 million for the State Highway and Bridge Acceleration Initiative for transportation projects of regional and community importance in SFY 2013-14
 - An additional \$75 million for the Consolidated Local Street and Highway Improvement Plan (CHIPS)
 - \$45 million for engineering services to address the shortfall in shovel-ready projects throughout the State
 - \$10 million increase in Aviation spending, to be shared between the Airport Improvement Program and AIR99
 - \$10 million for rail freight
 - \$5 million in capital funding for each non-MTA transit system
- \$16 million in State Dedicated Fund resources to support non-MTA downstate suburban and upstate public transit capital investments no later than 45 days after the enactment of the SFY 2013-14 Budget.

World Trade Center – Department of Transportation

- The Legislature concurs with the Executive proposal to reappropriate funds of \$232.8 million for the World Trade Center Program. This program provides funding for construction, reconstruction, and reconditioning of infrastructure damaged on September 11, 2001.