

**Amendments to Senate S.1508; Assembly A.2008
(TED Article VII Bill)**

Part D, relating to the infrastructure investment act, in relation to project delivery and making such provisions permanent

- Add State University of New York Construction Fund to the list of authorized entities.
- Notwithstanding the provisions which identify the requirements for letting of Construction Fund contracts.
- Make various technical amendments.

Part P, relating to locally authorized scooters and locally authorized motorcycles, is amended to:

- Further Define the dimensions of a scooter.
- Remove a violation in reference to boating while intoxicated law.
- Conform sentencing parameters for operating a vehicle under the influence of a drug or drugs with related provisions in Part VV of the proposed Revenue Article VII bill.

Part T, relating to motor carrier safety, is amended to:

- Clarify requirements related to certain altered vehicles.
- Extend the seatbelt mandate to include adults in the back seat of a motor vehicle, and make other technical changes.

Part AA, relating to participation by minority and women-owned business enterprises in state contracts and expanding upon those provisions, is amended to:

- Amend personal net worth definition by:
 - a. reinserting the exclusion of the individual's "equity in his or her primary residence".
 - b. limiting the exclusion of ownership interest of holding company to those companies that are "majority owned by the minority group members or women relied upon for certification".
 - c. increasing the threshold of qualified retirement savings plans or IRS from \$500,000 to \$750,000.
- Allow the director to revoke certification for any "convictions for fraudulently misrepresenting the status of minority or women-owned business enterprises" rather than limiting the director allowance to revoke solely for felony convictions.
- Extend the term for certifications from three years to five years.

Part BB, relating to a congestion tolling program, is amended to:

- Strengthen the congestion tolling capital lockbox fund and add a new section that creates a mass transit expert panel.

Part DD, relating to enacting the "Gateway Development Commission Act" and creating the Gateway Development Commission, is amended to:

- Amended to allow DOT to enter into agreement with the Gateway Development Commission for use of eminent domain powers

Part EE, relating to MTA reforms, is amended to:

- Require the MTA to use design-build for major projects and rationalizing the terms of MTA board members.

Part NN, relating to allowing the New York State Olympic Regional Development Authority to enter into contracts or agreements containing indemnity provisions in order to host Olympic or other national or international games or events, is amended to:

- Make a technical correction related to the maximum amount of a provided appropriation.

Part OO, relating to authorizing an airport mass transit project at LaGuardia airport is amended to:

- Make a technical correction to a reference of law.

New Part PP, relating to the elimination of the biennial filing fee and 5-year statement fee, is added to:

- Make technical changes to facilitate the planned elimination of the biennial filing fee and 5 year statement fee for certain corporate entities.

New Part QQ, relating to agreements for fiber optics, is added to:

- Authorize the Thruway Authority to enter into agreements based on set fees for leasing and/or usage of its fiber optic system.

New Part RR, relating to MTA Procurement, is added to:

- Extend certain procurement provisions of the MTA.

Amend Senate S1508, Assembly A2008, AN ACT to amend the public authorities law, in relation to clarifying the dormitory authority's authorization to finance certain health care facilities..

Page	Line	Amendment
Page 4,	Unnumbered line 8 (AN ACT CLAUSE)	After "(Part NN);" strike out "and"
Page 4,	Unnumbered line 11 (AN ACT CLAUSE)	After "(Part OO)" and to amend the business corporation law and the partnership law, in relation to the elimination of the biennial filing fee and five-year statement fee; and to repeal certain provisions of the business corporation law and the limited liability company law relating thereto (Part PP); to amend the public authorities law, in relation to agreements for fiber optics (Part QQ); and to amend the public authorities law, in relation to procurements by the New York city transit authority and metropolitan transportation authority; and to amend chapter 54 of the laws of 2016 amending the public authorities law relating to procurements by the New York city transit authority and metropolitan transportation authority, in relation to the effectiveness thereof (Part RR)
Page 4,	Line 4,	After "through" strike out "OO" and insert "RR"
Page 5,	Line 50,	After " <u>health</u> " strike out " <u>and</u> "
Page 5,	Line 51,	After " <u>authority</u> " insert " <u>,state university of New York construction fund</u> "
Page 6,	Line 27,	After "whereby" insert "a construction manager" and after "(i)" strike out "a construction manager"
Page 6,	Line 46,	Before "407-a" insert "376,"
Page 7,	Line 33,	After "the" insert "[" and after "team" insert "]" entity or team of entities"
Page 7,	Line 34,	After "the" insert "[" and after "team" insert "]" entity or team of entities"
Page 9,	Line 24,	After "prices;" insert "[" and after "or" insert "]"
Page 9,	Line 29,	After "project" insert "[" and after "." insert "]; <u>or</u> "
Page 9,	Line 31,	After " <u>section</u> " insert "." and before " <u>may</u> " strike out " <u>and</u> " and insert as a new paragraph " <u>(a) The alternative delivery project</u> "
Page 9,	Line 39,	After " <u>payment bonds</u> " strike out " <u>, bonds</u> "
Page 9,	Line 40,	After " <u>undertaking</u> " strike out " <u>,</u> "

Page	Line	Amendment
Page 51,	Line 26,	After " <u>more than</u> " strike out " <u>forty one</u> " and insert " <u>sixty</u> "
Page 51,	Line 26,	After " <u>length,</u> " strike out " <u>seventeen</u> " and insert " <u>twenty-six</u> "
Page 51,	Line 27,	Before " <u>inches</u> " strike out " <u>forty-five</u> " and insert " <u>fifty-five</u> "
Page 55,	Lines 48 through 52,	After "(c)" strike out " <u>no such person shall operate a locally authorized scooter while he or she has .04 of one per centum or more by weight of alcohol in his or her blood, breath, urine, or saliva, as determined by the chemical test made pursuant to the provisions of subdivision five of this section. (d)</u> "
Page 55,	Line 54,	Before " <u>No person</u> " strike out " <u>(e)</u> " and insert " <u>(d)</u> "
Page 56,	Line 3,	Before " <u>No person</u> " strike out " <u>(f)</u> " and insert " <u>(e)</u> "
Page 56,	Line 7,	Before " <u>(i)</u> " strike out " <u>(g)</u> " and insert " <u>(f)</u> "
Page 56,	Line 7,	After "(c)," insert " <u>or</u> " and after " <u>(d)</u> " strike out " <u>(e) or (f)</u> "
Page 56,	Between lines 11 and 12,	Insert " <u>(i-a) A violation of paragraph (e) of this subdivision shall be a class E felony, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.</u> "
Page 56,	Line 13,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 56,	Line 14,	After " <u>(d)</u> " insert " <u>or</u> "
Page 56,	Line 14 through 17	After " <u>(e)</u> " strike out " <u>or (f) of this subdivision, or of operating a locally authorized scooter while intoxicated or while under the influence of drugs, or while under the combined influence of drugs or of alcohol and any drug or drugs</u> "
Page 56,	Line 23,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 56,	Line 25,	After " <u>(d)</u> " insert " <u>or</u> "
Page 56,	Line 25 through 28,	After " <u>(e)</u> " strike out " <u>or (f)</u> " and after " <u>subdivision</u> " strike out " <u>or of operating a locally authorized scooter while intoxicated or under the influence of drugs, or while under the combined influence of drugs or alcohol and any drug or drugs</u> "

Page	Line	Amendment
Page 56,	Line 40,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 56,	Line 41,	After " <u>paragraph</u> " strike out " <u>(g)</u> " and insert " <u>(f)</u> "
Page 56,	Line 46,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 56,	Line 47,	After " <u>paragraph</u> " strike out " <u>(g)</u> " and insert " <u>(f)</u> "
Page 57,	Line 29,	After " <u>violation of</u> " strike out " <u>this subdivision or</u> "
Page 57	Line 29,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 58,	Line 28,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>and (f)</u> "
Page 58,	Line 30,	After " <u>(b)</u> " insert " <u>(c)</u> " and after " <u>(d)</u> ", insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 58,	Line 34,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 62,	Lines 29 through 34,	After " <u>(c)</u> " strike out " <u>no such person shall operate a locally authorized motorcycle while he or she has .04 of one per centum or more by weight of alcohol in his or her blood, breath, urine, or saliva, as determined by the chemical test made pursuant to the provisions of subdivision five of this section. (d)</u> "
Page 62,	Line 36,	Before " <u>No person</u> " strike out " <u>(e)</u> " and insert " <u>(d)</u> "
Page 62,	Line 40,	" <u>No person</u> " strike out " <u>(f)</u> " and insert " <u>(e)</u> "
Page 62,	Line 44,	Before " <u>(i)</u> " strike out " <u>(g)</u> " and after " <u>(e)</u> " insert " <u>(f)</u> "
Page 62,	Line 44,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 62,	Between lines 48 and 49,	Before " <u>(ii)</u> " insert " <u>(i-a) A violation of paragraph (e) of this subdivision shall be a class E felony, and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.</u> "
Page 62,	Line 50,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "

Page	Line	Amendment
Page 62,	Line 51,	After " <u>(d)</u> " insert " <u>or</u> "
Page 62,	Lines 52 through 55,,	After " <u>(e)</u> " strike out " <u>or (f) of this subdivision, or of operating a locally authorized scooter while intoxicated or under the influence of drugs, or while under the combined influence of drugs or alcohol and any drug or drugs</u> "
Page 63,	Line 4,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 63,	Line 6,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 63,	Lines 6 through 9,	After " <u>subdivision</u> " strike out " <u>or of operating a locally authorized scooter while intoxicated or under the influence of drugs, or while under the combined influence of drugs or alcohol and any drug or drugs</u> "
Page 63,	Line 16,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 63,	Line 21,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 63,	Line 22,	After " <u>paragraph</u> " strike out " <u>(g)</u> " and insert " <u>(f)</u> "
Page 63,	Line 27,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 63,	Line 28,	After " <u>paragraph</u> " strike out " <u>(g)</u> " and insert " <u>(f)</u> "
Page 64,	Line 11,	After " <u>of</u> " strike out " <u>this subdivision or</u> "
Page 64,	Line 12,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 65,	Line 10,	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>and(f)</u> "
Page 65,	Line 12,	After " <u>(b),</u> " insert " <u>(c),</u> "
Page 65,	Line 12,	After " <u>(d),</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 65	Line 16	After " <u>(d)</u> " insert " <u>or</u> " and after " <u>(e)</u> " strike out " <u>or (f)</u> "
Page 108,	Lines 1 through 9,	Strike out " <u>has been altered, a vehicle commonly referred to as a "stretch limousine", so as to add seating capacity beyond that provided by the original manufacturer by way of an extended chassis, lengthened wheel base, or an elongated seating area, and in the case of a truck, has been modified to transport passengers. Owners of</u> "

Page	Line	Amendment
		such vehicles that are registered shall <u>surrender the registration to the commissioner, and the commissioner shall revoke any such registration upon discovery thereof, so that in no way shall such a motor vehicle be registered for operation.</u> " and insert " <u>fails to comply, as demonstrated to the satisfaction of the commissioner, with the certification requirements established by 49 C.F.R. Part 567.</u> "
Page 108,	Line 10,	After " <u>shall</u> " insert " <u>revoke the registration of any altered vehicle not in compliance with 49 C.F.R. Part 567, as determined by the commissioner, and</u> "
Page 110,	Between lines 31 and 32,	<p>Insert "\$16. Subdivision 3 of section 1229-c of the vehicle and traffic law, as added by chapter 365 of the laws of 1984, is amended to read as follows:</p> <p>3. No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in [the front seat of] a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.</p> <p>\$17. Section 3635-a of the education law, as added by chapter 747 of the laws of 1986, is repealed."</p>
Page 110,	Line 32,	Strike out "\$16" and insert "\$18"
Page 124,	Line 47,	After "individual's" strike out "["
Page 124,	Line 48,	After "residence" strike out "]" and after "in" strike out " <u>any</u> " and insert " <u>a</u> "
Page 124,	Line 50,	After " <u>enterprise</u> " strike out " <u>the value of up to two hundred percent of the median value of owner-occupied housing units in the municipality in which the individual resides</u> " and insert " <u>that is majority owned by the minority group members or women relied upon for certification</u> "
Page 124,	Line 52,	After "to" insert "[" and after "five hundred" insert "]" <u>seven hundred fifty</u> "
Page 127,	Line 50,	Before "copy" strike out " <u>electric</u> ", and insert " <u>electronic</u> "
Page 132,	Line 36,	Before " <u>convictions</u> " strike out " <u>felony</u> "
Page 134,	Line 45,	After "of" insert "[" and after "three" insert "]" <u>five</u> "
Page 134,	Line 54,	After "to" insert "[" and after "insure" insert "]" <u>ensure</u> "

Page	Line	Amendment
Page 149,	Line 1,	<p>After "(a)" strike out "The Triborough bridge and tunnel authority shall plan, design and construct the congestion tolling infrastructure at points of vehicle ingress to the congestion toll zone. The Triborough bridge and tunnel authority may occupy the sidewalks, roadways, streets, highways, bridges, tunnels, approaches or highways of the city of New York for the purpose of doing any work over or under the same in connection with installing, operating or maintaining the congestion tolling infrastructure without the consent of or payment to the city of New York. The city of New York shall cooperate fully with the Triborough bridge and tunnel authority in the planning, designing and constructing of the congestion tolling infrastructure and shall not require that the Triborough bridge and tunnel authority or any of its contractors to seek or obtain from the city of New York any sidewalk or roadway construction activity permit, license, or other approval in connection with installing, operating or maintaining the congestion tolling infrastructure." and insert "Notwithstanding any law to the contrary, the Triborough bridge and tunnel authority shall plan, design, construct, and maintain the congestion tolling infrastructure. The city of New York shall cooperate fully with the Triborough bridge and tunnel authority for purposes of the planning, design, construction, timely implementation, and maintenance of the congestion tolling infrastructure and shall not unduly prohibit, restrict, or delay the installation, operation, construction, timely implementation, or maintenance of the same."</p>
Page 149,	Line 17,	<p>After "implement" strike out "and" and insert "," and after "operate" insert "and maintain"</p>
Page 149,	Line 41,	<p>After "establishment" insert "<u>consistent with the determination of the mass transit expert panel established pursuant to §1265-C of the public authorities law</u>"</p>
Page 150,	Lines 2 through 9,	<p>After "fees." strike out "For purposes of establishing a congestion tolling program, the Triborough bridge and tunnel authority shall, at minimum, ensure that annual revenues and fees collected under such program, less costs of operation of the same, provide for revenues into the congestion tolling fund, established pursuant to section twelve hundred seventy-j of the public authorities law, necessary to fund fifteen billion dollars for capital projects."</p>
Page 150,	Line 25,	<p>After "authority shall", strike out "establish and" and after "collect congestion tolls and" insert "establish and collect"</p>

Page	Line	Amendment
Page 151,	Line 49,	After "tolling" insert " <u>capital lockbox</u> "
Page 151,	Line 50,	After "tolling" insert " <u>capital lockbox</u> "
Page 152,	Line 6,	After "tolling" insert " <u>capital lockbox</u> "
Page 152,	Line 21,	After "board." insert " <u>The metropolitan transportation authority is prohibited from using or transferring monies in the congestion tolling capital lockbox fund to make payments for any non-capital cost.</u> "
Page 152,	Line 40,	<p>After "\$10" insert "Title 11 of Article 5 of the Public Authorities Law is amended by adding a new section 1265-C to read as follows: <u>1265-C. Mass transit expert panel.</u> <u>1. There is hereby established the mass transit expert panel ("panel"), which shall consist of six members. Members of the panel must have an extensive background or executive experience in at least one of the following areas: auditing; public finance; engineering; transportation; transit; management; corporate restructuring and risk management.</u> <u>2. The panel shall oversee the preparation of a performance and financial audit of the capital and operating budgets of the metropolitan transportation authority, its subsidiaries, affiliates, and subsidiaries of affiliates that shall begin to be prepared by the authority upon the effective date of a chapter of the laws of the state of New York establishing this section, review and approve the capital and operating budgets of the metropolitan transportation authority, review and approve the metropolitan transportation authority's 2020-2024 Capital Plan and successor plans, review and approve the metropolitan transportation authority reorganization plan proposed pursuant to section 1279-e of the public authorities law, determine the congestion toll amounts, which shall include a variable-pricing structure, no sooner than November 15, 2020 and no later than December 31, 2020, and assess fiscal and programmatic risk and improve workforce management.</u> <u>3. For purposes of establishing a congestion toll or tolls, the panel shall, at minimum, ensure that annual revenues and fees collected under such program, less costs of operation of the same, provide for revenues into the congestion tolling capital lockbox fund, established pursuant to section twelve hundred seventy-j of the public authorities law, necessary to fund fifteen billion dollars for capital projects.</u> <u>4. The authority, its subsidiaries, affiliates, and subsidiaries of affiliates, the city of new</u></p>

Page	Line	Amendment
		<p>york, and any state agency or authority shall provide any assistance necessary to assist in the completion of the panel's tasks and promptly respond to any requests for information or consultation consistent with the purposes of this section.</p> <p><u>5. Members of the panel shall serve without compensation.</u> §11."</p>
Page 152,	Line 49,	Strike out "§11" and insert "§12"
Page 156,	Line 17,	After "1.", insert "a."
Page 156,	Line 18,	After "the" "legislature" strike out "legislature" and insert "Legislature" and after "declares", strike out ":" and after "that" insert ":" before "of New" strike out "states" and insert "State"
Page 156,	Line 19,	After "Jersey and" insert "the State of"
Page 156,	Line 22,	After "controlled" insert ","
Page 156,	Line 24,	Before "the two" strike out "that"
Page 156,	Line 26,	After "River" strike out "tunnel; that" and insert "Tunnel;"
Page 156,	Line 28,	After "New York" strike out "that"
Page 156,	Line 31,	Before ", is at risk" strike out "tunnel" and insert "Tunnel"
Page 156,	Line 33,	After "economy of the" strike out "northeast" and insert "Northeast"
Page 156,	Line 34,	Before "both states" strikeout "corridor; that" and insert "Corridor"
Page 156,	Line 38,	After "security;" strike out "that"
Page 156,	Line 41,	Before "there" strike out "that"
Page 156,	Line 42,	After "Amtrak", insert ","
Page 156,	Line 44,	After "passenger rail service options.", insert "b."
Page 156,	Line 48,	After "throughout the" strike out "northeast corridor" and insert "Northeast Corridor"
Page 156,	Line 52,	After "by the" strike out "states" and insert "State" and after "New Jersey and", insert "the State of"
Page 156,	Line 54,	After "important goals", insert "and is not intended to impair, limit, diminish, or

Page	Line	Amendment
		otherwise affect any right, power, or jurisdiction of the United States of America or any department, branch, agency, court, bureau, or other instrumentality thereof with respect to any matter, or grant or confer any right or power on such bi-state commission, or any officer or trustee thereof, to regulate commerce between the states."; before "It is the", insert "c."
Page 157,	Line 3,	After "apply for" strike out "transportation" and insert "financial"
Page 157,	Line 9,	After ""Act"" strike out "shall mean" and insert "means"
Page 157,	Line 10,	After "Amtrak" strike out "shall mean" and insert "means the"
Page 157,	Line 16,	After ""Facilitate"" strike out "shall mean" and insert "means"
Page 157,	Line 18,	After "replacement," insert "approval of works," and after "licensing," insert "cosigning,"
Page 157,	Line 22,	After "full" strike out "funding" and insert "Funding" and before "the sum" strike out "shall mean the date on which" and insert "means"
Page 157,	Line 23,	After "by the" strike out "commission" and "Commission"
Page 157,	Line 24,	Before "cash-on-hand strike out "commission" and insert "Commission"
Page 157,	Line 27,	After "required," insert "found" and after "by the" strike out "commission as at the date first so considered, is" and insert "Commission to be"
Page 157,	Line 28,	After "the project", insert "or a discrete component thereof which is beneficial to the public"
Page 157,	Line 30,	After "to, the" strike out "board" and insert "Board"
Page 157,	Line 32,	After "of the" strike out "commission" and insert "Commission"
Page 157,	Line 35,	After "consideration of" strike out "commission" and insert "Commission"
Page 157,	Line 37,	After "of the" strike out "commission" and insert "Commission"
Page 157,	Line 40,	After ""Project"" strike out "shall mean the facilitation of" and insert "means"

Page	Line	Amendment
Page 157,	Line 47,	After "of the" strike out "commission" and insert "Commission"
Page 157,	Line 49,	After "by the" strike out "states" and insert "State" and after "New Jersey and" insert "the State of"
Page 157,	Line 52,	After "of the" strike out "commission" and insert "Commission"
Page 157,	Line 54,	After "(a)" strike out "facilitate" and insert "Facilitate"
Page 157,	Line 55,	After (b) strike out "coordinate" and insert "Coordinate" and after "Amtrak" insert ", "
Page 158,	Line 1,	Strike out "project" and insert "Project" and after "achieving" strike out "full funding" and insert "Full funding"
Page 158,	Line 2,	After "of the" strike out "project" and insert "Project"
Page 158,	Line 4,	Before "of new" strike out "states" and insert "State" and after "New Jersey" strike out "and" and insert ", any local government thereof, the state of"
Page 158,	Line 5,	After "commission", insert ", "
Page 158,	Line 9,	After "with the" strike out "facilitation" and insert "Facilitation" and after "of the" strike out "project" and insert "Project"
Page 158,	Line 12,	After "of new" strike out "states" and insert "state" and after "New Jersey" strike out "and" and insert ", any local government thereof, the state of"
Page 158,	Line 14,	After "commission", insert ", "
Page 158,	Line 19,	After "for the" strike out "project" and insert "Project" and before "hereby" strike out "commission and insert "Commission"
Page 158,	Line 21,	After "grants", insert ", "
Page 158,	Line 22,	After "state", insert ", "
Page 158,	Lines 26 through 32,	After "(d) pursue efforts" strike out "with Amtrak and other third parties to: (i) achieve greater coordination between intercity and commuter rail passenger transportation; (ii) identify sources of funding to share the cost of providing rail passenger transportation developed in connection with the project, including the cost of operating facilities; and (iii) carry out strategies to achieve safe and efficient intercity and commuter rail passenger

Page	Line	Amendment
		transportation" and insert "To assist federal or state agencies and other entities to fulfill their goals set forth in federal law or the laws of New York or New Jersey to further passenger rail transportation between states including 49 U.S.C §24901, et seq."
Page 158,	Line 37,	Strike out "project" and insert "Project" and after "federal, state" insert ","
Page 158,	Line 39,	After "facilitate the" strike out "project" and insert "Project"
Page 158,	Line 41,	After "with the" strike out "project" and insert "Project"
Page 158,	Line 48,	After "for" strike out "project" and insert "Project"
Page 158,	Line 50,	After "of the" strike out "states" and insert "State"
Page 158,	Line 51,	After "New Jersey and", insert "the State of"
Page 158,	Line 52,	After "the" strike out "commission" and insert "Commission"
Page 158,	Line 54,	After "by the" strike out "commissioner" and insert "Commissioner" and after "New York" strike out "state department" and insert "State Department" and after "of" strike out "transportation" and insert "Transportation"
Page 158,	Line 55,	After "by the" strike out "board of directors" and insert "Board of Directors"
Page 158,	Line 56,	After "New Jersey" strike out "transit corporation" and insert "Transit Corporation"
Page 159,	Line 2,	After "of the" strike out "northeast" and insert "Northeast"
Page 159,	Line 3,	Strike out "corridor" and insert "Corridor" and after "by the" strike out "commission" and insert "Commission"
Page 159,	Line 4,	After "the" strike out "commission" and insert "Commission"
Page 159,	Line 8,	Strike out "appointed by New Jersey and New York"
Page 159,	Lines 9 through 13,	After "of the" strike out "commission expiring on December 31, 2019. The Gateway Program Development Corporation trustee appointed by Amtrak shall serve an initial term of as commissioner of the commission expiring on

Page	Line	Amendment
		December 31, 2021. Aside from the commission's initial commissioners, all other commissioners" and insert "Commission following this initial term the commissioners appointed in accordance with this section"
Page 159,	Line 14,	After "term" strike out ";" and insert "("
Page 159,	Line 15,	After "term" insert ")"
Page 159,	Line 17,	After "appointed that commissioner" strike out "," and insert "("
Page 159,	Line 19,	After "Corporation" insert ")"
Page 159,	Line 20,	After "expiration of" strike out "his" and insert "the Commissioner's"
Page 159,	Line 24,	After "expiration of" strike out "his" and insert "the Commissioner's"
Page 159,	Line 28,	After "but the" strike out "commission" and insert "Commission"
Page 159,	Line 32,	After "from the" strike out "state" and insert "State"
Page 159,	Line 33,	After "from" strike out "state" and insert "the State" and before "of New Jersey" strike out "state" and insert "State"
Page 159,	Line 34,	After "and the" strike out "state" and insert "State"
Page 159,	Line 37,	After "Organization of the" strike out "commission" and insert "Commission"
Page 159,	Lines 39 and 40,	After "New York" strike out ", and shall hold office for one year"
Page 159,	Line 49,	After "states", insert "and each chairperson following the initial chairperson shall serve as chairperson for a term of one year"
Page 159,	Line 51,	After "the" strike out "commission" and insert "Commission"
Page 159,	Line 52,	After "of the" strike out "commission" and insert "Commission"
Page 159,	Line 53,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 1,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 4,	After "of the" strike out "commission" and insert "Commission"

Page	Line	Amendment
Page 160,	Line 7,	After "by the" strike out "commission" and insert "Commission"
Page 160,	Line 9,	After "voting procedures" insert ",,"
Page 160,	Line 10,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 15,	Before "of New" strike out "states" and insert "state" and after "New Jersey" strike out "and" and insert ", any local government thereof, the state of"
Page 160,	Line 16,	After "New York" strike out "or" and insert ",,"
Page 160,	Line 20,	After "the" strike out "commission" and insert "Commission"
Page 160,	Line 21,	Before "may" strike out "commission" and insert "Commission"
Page 160,	Line 27,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 28,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 33,	Before "to ensure" strike out "this state" and insert "the state of New Jersey and the state of New York"
Page 160,	Line 34,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 40,	After "The" strike out "commission" and insert "Commission"
Page 160,	Line 42,	After "at" strike out "meetings of the commission" and insert "Meetings of the Commission" and after "of the" strike out "commission" and insert "Commission" insert "Commission's"
Page 160,	Line 43,	After "activities or" strike out "public" and insert "Public"
Page 160,	Line 44,	After "of the" strike out "commission" and insert "Commission"
Page 160,	Line 46,	After "of the" strike out "commission" and insert "Commission" and after "duties of the" strike out "commission" and insert "Commission"
Page 160,	Line 48,	After "that the" strike out "commission" and insert "Commission"
Page 160,	Line 51,	After "(a)" strike out "make" and insert "Make"

Page	Line	Amendment
Page 160,	Line 53,	After "appropriate to" strike out "facilitate" and insert "Facilitate"
Page 160,	Line 55,	After "(b) strike out "cooperate" and insert "Cooperate"
Page 160,	Line 56,	After "Amtrak", insert ",",
Page 161,	Line 1,	strike out "facilitate the project" and insert "Facilitate the Project"
Page 161,	Line 2,	After "to the" strike out "project" and insert "Project"
Page 161,	Line 3,	Before "capable" strike out "project" and insert "Project" and after "stability and" strike out "full funding" and insert "Full Funding"
Page 161,	Line 5,	After "any local government thereof", insert ",",
Page 161,	Line 7,	After "(c)" strike out "adopt" and insert "Adopt"
Page 161,	Line 9,	After "of the" strike out "commission" and insert "Commission"
Page 161,	Line 10,	After "duties", insert ",",
Page 161,	Line 12,	After "(d) strike out "expend" and insert "Expend"
Page 161,	Line 13,	After "forth" strike out "above" and insert in this section" and after "to hold and" insert "prudently"
Page 161,	Line 14,	Strike out "as a prudent fiduciary under the laws of the states"
Page 161,	Line 15,	After "€ strike out "recommend" and insert "Recommendation" and after "state" insert ",",
Page 161,	Line 16,	After "to the" strike out "project" and insert "Project"
Page 161,	Line 17,	After "(f) strike out "within" and insert "Within"
Page 161,	Lines 20 and 21,	After "agency administrative action to the" strike out "governor, the president of the senate and the speaker of the assembly" and insert "governor of the state of New Jersey, the president of the senate of the state of New Jersey, the speaker of the general assembly of the state of New Jersey, the governor of the state of New York, the temporary president of the senate of the state of New York, and the speaker of the assembly of the state of New York"

Page	Line	Amendment
Page 161,	Line 23,	After "g" strike out "take" and insert "Take"
Page 161,	Line 27,	After "(a)" strike out "facilitate" and insert "Facilitate"
Page 161,	Line 29,	Strike out "commission" and insert "Commission" and after "execute" insert ","
Page 161,	Line 30,	After "deliver", insert ";" and after "that the" strike out "commission" and insert "Commission"
Page 161,	Line 32,	After "that the" strike out "commission" and insert "Commission"
Page 161,	Line 33,	Strike out "surface transportation board" and insert "Surface Transportation Board"
Page 161,	Line 34,	After "(b) strike out "sue" and insert "Sue"
Page 161,	Line 38,	After "(c)" strike out "accept" and insert "Accept"
Page 161,	Line 42,	After "grants and loans;" insert "and revenues received from the deposition of property;"
Page 161,	Line 44,	After "determine will" strike out "facilitate the project" and insert "Facilitate the Project"
Page 161,	Line 45,	After "and" strike out "full funding" and insert "Full Funding"
Page 161,	Line 46,	After "(d)" strike out "acquire," and insert "Acquire ("
Page 161,	Line 48,	After "act" insert ")"; after "take" insert ","
Page 161,	Line 50,	After "leased" insert ","
Page 161,	Line 51,	After "to" strike out "facilitate the project" and insert "Facilitate the Project"
Page 161,	Line 52,	After "e" strike out "make" and insert "Make"
Page 161,	Line 54,	After "of the" strike out "commission" and insert "Commission"
Page 161,	Line 56,	After "will" strike out "facilitate the project" and insert "Facilitate the Project"
Page 162,	Line 1,	Before "of new" strike out "states" and insert "State" and after "New Jersey" strike out "and" and insert ", any local government thereof, the state of" and after "New York," strike out "with"
Page 162,	Line 6,	After "(f) strike out "make" and insert "Make"

Page	Line	Amendment
Page 162,	Line 8,	After "will" strike out "facilitate" and insert "Facilitate"
Page 162,	Line 9,	Before ", including" strike out "project" and insert "Project"
Page 162,	Line 10,	Before "of New" strike out "states" and insert "State" and after "New Jersey" strike out "and" and insert ", any local government thereof, the State of" and after "New York," strike out "with"
Page 162,	Line 15,	After "(g) strike out "grant" and insert "Grant"; and after "of the" strike out "project" and insert "Project"
Page 162,	Line 16,	After "franchise," insert "concession," and after "lease" insert ",,"
Page 162,	Line 18,	After "work" insert ",,"
Page 162,	Line 19,	After "with" strike out "project" and insert "Project"
Page 162,	Line 20,	After "revenue sharing", insert ",,"
Page 162,	Line 21,	After "revenue sharing", insert ",,"
Page 162,	Line 23,	Before "of New" strike out "states" and insert "State" and after "New Jersey and" insert "the State of" and after "that the" strike out "commission" and insert "Commission"
Page 162,	Line 25,	After "utilizing the" strike out "project" and insert "Project"
Page 162,	Line 26,	After "(h) strike out "adopt" and insert "Adopt"
Page 162,	Line 27,	Before "deems" strike out "commission" and insert "Commission" and after appropriate to" strike out "facilitate the project" and insert "Facilitate the Project"
Page 162,	Line 29,	Before "under" strike out "commission" and insert "Commission"
Page 162,	Line 30,	After "to the" strike out "states" and insert "State" and after "New Jersey" strike out "and" and insert ", any local government thereof, the State of"
Page 162,	Line 35,	After "(i) strike out "dispose" and insert "Dispose" and after "of the" strike out "project" and insert "Project"
Page 162,	Line 36,	After "for the" strike out "facilitation of the project" and insert "Facilitation of the Project"

Page	Line	Amendment
Page 162,	Line 39,	Strike out "project" and insert "Project"
Page 162,	Line 40,	After "(J) strike out "issue" and insert "Issue" after "notes" insert ","
Page 162,	Line 43,	After "effectuate" strike out "full funding" and insert "Full Funding"
Page 162,	Line 44,	After "assets," strike out "property" and insert "properties,"
Page 162,	Line 46,	After "properties" insert "," and after "of the" strike out "commission" and insert "Commission"
Page 162,	Line 47,	After "that the" strike out "commission" and insert "Commission"
Page 162,	Lines 48 and 49,	After "the federal government," strike out "either state or any local government thereof," and insert "the state of New Jersey, any local government thereof, the state of New York, any local government thereof"
Page 162,	Lines 51 and 52,	After "the federal government," strike out "either state or any local government thereof," and insert "the state of New Jersey, any local government thereof, the state of New York, any local government thereof"
Page 162,	Line 55,	After "with the" strike out "project" and insert "Project"
Page 163,	Line 4,	After "(k) strike out "acquire" and insert "Acquire"
Page 163,	Line 5,	After "with the" strike out "facilitation of the project" and insert "Facilitation of the Project"
Page 163,	Line 6,	After "(l) strike out "appoint" and insert "Appoint" and after "contract with" insert ","
Page 163,	Line 8,	After "financial advisors" insert ","
Page 163,	Line 9,	After "the" strike out "commission" and insert "Commission"
Page 163,	Line 10,	After "employees", insert ","
Page 163,	Line 11,	After "pension", insert ","
Page 163,	Line 13,	After "(m) strike out "obtain" and insert "Obtain" and after "as the" strike out "commission" and insert "Commission"
Page 163,	Line 15,	After "the" strike out "commission" and insert "Commission"
Page 163,	Lines 16 and 17,	After "(n) strike out "cooperate" and" insert "Cooperate" and after "government," strike out

Page	Line	Amendment
		"the states of New Jersey and New York, with any local government thereof, with" and insert "the state of New Jersey, any local government thereof, the state of New York, any local government thereof"
Page 163,	Line 21,	After "with the" strike out "project" and insert "Project"
Page 163,	Line 23 through 25,	After "the federal government, with" strike out "the states of New Jersey and New York, with any local government thereof, with" and insert "the state of New Jersey, any local government thereof, the state of New York, any local government thereof" and after "commission" insert ","
Page 163,	Line 27,	After "entity", insert ", "
Page 163,	Line 28,	After "to the" strike out "project" and insert "Project"
Page 163,	Line 29,	After "(o) strike out "indemnify" and insert "Indemnify"
Page 163,	Line 31,	After "(p) strike out "establish" and insert "Establish"
Page 163,	Lines 31 and 32,	After "required to" strike out "facilitate the project" and insert "Facilitate the Project"
Page 163,	Line 33,	After "(q)" strike out "utilize" and insert "Utilize"
Page 163,	Line 35,	After "of the" strike out "project" and insert "Project"
Page 163,	Line 36,	After "(r) strike out "exercise" and insert "Exercise"
Page 163,	Line 38,	After "the" strike out "commission" and insert "Commission"
Page 163,	Line 44,	After "for the" strike out "facilitation of the project and insert "Facilitation of the Project"
Page 163,	Line 48,	Before ", their" strike out "commission" and insert "Commission"
Page 163,	Line 51,	Before "shall" strike out "commission" and insert "Commission"
Page 163,	Line 52,	After "resolutions", insert ", "
Page 163,	Line 53,	After "where the" strike out "project" and insert "Project"

Page	Line	Amendment
Page 163,	Line 54,	After "of the" strike out "project" and insert "Project"
Page 163,	Line 55,	After "if the" strike out "commission" and insert "Commission"
Page 163,	Line 56,	After "that the" strike out "commission" and insert "Commission"
Page 164,	Line 1,	After "impairing" insert ","
Page 164,	Line 3,	After "the" strike out "project" and insert "Project" and after "duties" insert ","
Page 164,	Line 5,	After "of the" strike out "commission" and insert "Commission"
Page 164,	Line 6,	After "end, the" strike out "commission" and insert "Commission"
Page 164,	Line 10,	After "but the" strike out "commission" and insert "Commission"
Page 164,	Line 13,	After "(c) strike out "the commission" and insert "Notwithstanding the provisions of Paragraph a of this subdivision, the Commission"
Page 164,	Line 15,	After "the" strike out "commission" and insert "Commission"
Page 164,	Line 17,	After "the" strike out "commission" and insert "Commission"
Page 164,	Line 24,	After "the" strike out "commission" and insert "Commission"
Page 164,	Line 26,	After "charter", insert ","
Page 164,	Lines 27 and 28,	After "the" strike out "commission" and insert "Commission" and After "the" strike out "commission" and insert "Commission"
Page 164,	Lines 37 and 38,	After "corporation" strike out " <u>or the gateway development commission</u> " and insert " <u>or if deemed necessary, desirable or convenient by the commissioner to facilitate the purposes of this section 14-c, with gateway development commission to the extent that commission is so authorized to act under its authorizing statute,</u> "
Page 164,	Line 50,	After " <u>or</u> " strike out " <u>the gateway development</u> "
Page 165,	Lines 1 through 8,	After "desirable" strike out " <u>;</u> <u>provided that activities with the gateway development commission shall be limited to those which advance the purposes described in the chapter of the laws of two thousand nineteen that created the gateway development commission and</u>

Page	Line	Amendment
		shall be contingent on the commissioner entering into an agreement with the gateway development commission, approved in accordance with the chapter of the laws of two thousand nineteen that created such commission" and insert "and the department of transportation may cooperate and contract with gateway development commission for passenger rail activities, to the extent that gateway development commission is so authorized to act under its authorizing statute, provided, however, that the department of transportation shall only contract with the gateway development commission if such contract is approved by that commission's board of commissioners in accordance with its authorizing statute"
Page 165,	Lines 13 through 17,	After "programs" strike out ", except to the extent responsibility is delegated by legislation to another agency, instrumentality, any public authority of this state or any other state or two or more states, or any political subdivision or municipality of the state for one or more of such activities.
Page 165,	Line 18,	After "agreements" insert " <u>and other agreements</u> "
Page 165,	Line 53,	After "thereof", insert ",,"
Page 165,	Line 54,	After "assist the" strike out "commission" and insert "Commission"
Page 166,	Line 1,	After "of the" strike out "state" and insert "State" and after "of the" strike out "state" and insert "State"
Page 166,	Line 2,	After "New Jersey and", insert "the State of"
Page 166,	Line 3,	After "in equity", insert ",," and after "otherwise" insert "("
Page 166,	Line 4,	After "agreements" insert ")" and after "against the" strike out "Gateway Development"
Page 166,	Line 6,	After "does not extend to" insert ":" and after "actions" insert ",,"
Page 166,	Line 11,	Strike out "Gateway Development"
Page 166,	Line 18,	Strike out "Gateway Development"
Page 166,	Line 20,	After "by the" strike out "attorney general" and insert "Attorney General"
Page 166,	Line 21,	After "by the" strike out "attorney general" and insert "Attorney General"

Page	Line	Amendment
Page 166,	Line 24,	Strike out "him or her" and insert "the Attorney General"
Page 166,	Line 27,	Before "Gateway" insert "[" and after "Development" insert "]"
Page 166,	Line 29,	Strike out "Gateway Development"
Page 166,	Line 30,	After "were the" strike out "state" and insert "State"
Page 166,	Line 31,	After "by the" strike out "state" and insert "State"
Page 166,	Line 54,	Strike out "Gateway Development"
Page 166,	Line 55,	After "by the" strike out "governor" and insert "Governor" and after "of New Jersey and" insert "the Governor of"
Page 166,	Line 56,	Strike out "transportation project and insert "Project"
Page 167,	Line 1,	After "or entity and" insert ":"
Page 167,	Line 2,	After "such" strike out "project" and insert "Project"
Page 167,	Line 4,	After "full", insert ", without impairment of credit worthiness" and between "and" and (ii), insert ";"
Page 167,	Line 17,	Strike out "may" and insert " <u>shall develop a reorganization plan which shall</u> "
Page 167,	Line 23,	After "2." strike out " <u>Any such</u> " and insert " <u>Such</u> "
Page 167,	Line 29,	After "vote." insert new paragraph "3. <u>Such reorganization plan shall also be subject to the approval of the mass transit expert panel created pursuant to section 1265-C of section ten of title eleven of article five of the public authorities law.</u> "
Page 167,	Line 30,	Strike out " <u>3.</u> " and insert " <u>4.</u> "
Page 167,	Line 36,	After "\$2" insert "Subdivision 1 of section 1264 of the public authorities law is amended to read as follows: §1264. Purposes of the authority. 1. The purposes of the authority shall be the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with the

Page	Line	Amendment
		<p>provisions of this title. It shall be the further purpose of the authority, consistent with its status as the ex officio board of both the New York city transit authority and the triborough bridge and tunnel authority, to develop and implement a unified mass transportation policy for such district <u>in an efficient and cost-effective manner that includes the use of design-build contracting on all major projects.</u></p> <p>§3. Subdivision 1 of section 1263 of the public authorities law is amended to add a new subparagraph (c) to read as follows:</p> <p><u>(c) Notwithstanding any inconsistent provision of this section, the term of any chairman or any member shall expire upon the expiration of the term in office being served by the county, city, or state elected official upon whose recommendation they were appointed; provided, however, that in such circumstance the chairman or any member may continue to serve as a holdover appointee until such time as a chairman or member is appointed to fill their position. The term of any chairman or member appointed to replace such a holdover appointee shall expire at the end of the term in office of the county, city or state elected officer upon whose recommendation they were appointed."</u></p>
Page 167	Line 36,	Strike out "\$2" insert "\$4"
Page 188,	Line 38,	After " <u>appropriation</u> " insert " <u>or other funding mechanism, such as a performance bond surety, or other collateral instrument</u> "
Page 188,	Line 40,	After " <u>shall be</u> " strike out " <u>no less than</u> " and insert " <u>no more than</u> "
Page 189,	Lines 3 through 5,	After "effect" strike out "; and provided, however, that the amendments made to section 349-g of the social services law by section one of this act shall not affect the repeal of such section" and insert ","
Page 189,	Between lines 6 and 7,	Insert Part PP (LBD #73048-01-9) Part QQ (LBD #73046-01-9) Part RR (LBD #73051-01-9)
Page 189,	Line 17,	After "through" strike out "OO" and insert "RR"

ties law, in relation to the provision of renewable power and energy by the Power Authority of the State of New York (Part LL); to amend the state finance law, in relation to establishing the parks retail stores fund, and the golf fund, as enterprise funds (Part MM); to amend the public authorities law, in relation to allowing the New York state olympic regional development authority to enter into contracts or agreements containing indemnity provisions in order to host olympic or other national or international games or events (Part NN); and to amend the highway law, in relation to making a technical correction to authorization of an airport mass transit project at LaGuardia airport (Part OO) *LONG TITLE INSERT*

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 2019-2020
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through OO. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part,
 7 including the effective date of the Part, which makes reference to a
 8 section "of this act", when used in connection with that particular
 9 component, shall be deemed to mean and refer to the corresponding
 10 section of the Part in which it is found. Section three of this act sets
 11 forth the general effective date of this act.

12

PART A

13 Section 1. Paragraph (b) of subdivision 6 of section 1699-f of the
 14 public authorities law, as added by chapter 83 of the laws of 1995, is
 15 amended to read as follows:

16 (b) The financing of any project initiated on or after the effective
 17 date of this section, the entirety of which the agency would be author-
 18 ized to undertake by the provisions of the medical care facilities
 19 finance agency act prior to such effective date, shall be governed by
 20 such act.

21 § 2. This act shall take effect immediately.

22

PART B

23 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
 24 public authorities law is amended by adding two new undesignated para-
 25 graphs to read as follows:

26 The office of parks, recreation and historic preservation.

27 The department of environmental conservation.

28 § 2. This act shall take effect immediately.

29

PART C

30 Section 1. Subdivision 25 of section 1678 of the public authorities
 31 law is amended by adding two new paragraphs (e) and (f) to read as
 32 follows:

33 (e) Notwithstanding any other provision of law to the contrary,
 34 including but not limited to title five-A of article nine of this chap-



MMS

S. 1508

5

A. 2008

1 ~~ter, the Atlantic Avenue Healthcare Property Holding Corporation, is~~
 2 ~~hereby authorized and empowered to sell, exchange, lease, transfer and~~
 3 ~~convey certain real property located at 483-503 Herkimer Street,~~
 4 ~~1028-1038 Broadway, 528 Prospect Place and/or 1366 East New York Avenue,~~
 5 ~~all in Brooklyn, New York as directed by the commissioner of New York~~
 6 ~~state division of homes and community renewal, upon such terms and~~
 7 ~~conditions as such commissioner may fix and determine.~~

8 ~~Such sale, exchange, lease, transfer and conveyance shall be consist-~~
 9 ~~ent with and made pursuant to a plan to increase access and quality of~~
 10 ~~health care services and preventative care and create affordable housing~~
 11 ~~approved by the commissioner of New York state division of homes and~~
 12 ~~community renewal, the commissioner of health and the director of the~~
 13 ~~division of the budget to transform the Central Brooklyn region. Such~~
 14 ~~plan may include, but shall not be limited to, initiatives intended to~~
 15 ~~increase access to open spaces and healthy food, transform health care~~
 16 ~~by increasing access and quality of health care services and preventa-~~
 17 ~~tive care, create affordable housing, create jobs, improve youth devel-~~
 18 ~~opment, and prevent community violence.~~

19 ~~Notwithstanding the foregoing, no such sale, exchange, transfer, lease~~
 20 ~~or conveyance shall be permitted pursuant to this section, unless in the~~
 21 ~~opinion of bond counsel to the authority, such sale, exchange, transfer,~~
 22 ~~lease or conveyance does not impair the tax-exempt status of any~~
 23 ~~outstanding bonds or other obligations, if any, issued by the authority~~
 24 ~~to finance or refinance the subject property. For the purposes of such~~
 25 ~~opinion, the valuation of such property being sold, exchanged, trans-~~
 26 ~~ferred, leased or conveyed may reflect the terms and conditions set~~
 27 ~~forth in the plan.~~

28 ~~(f) The description in paragraph (e) of this subdivision of the lands~~
 29 ~~to be transferred and conveyed is not intended to be a legal~~
 30 ~~description, but is intended only to identify the premises to be~~
 31 ~~conveyed. As a condition of transfer and conveyance, the Atlantic Avenue~~
 32 ~~Healthcare Property Holding Corporation shall receive an accurate survey~~
 33 ~~and description of the lands generally described in paragraph (e) of~~
 34 ~~this subdivision, which may be used in the conveyance thereof.~~

35 ~~§ 2. This act shall take effect immediately; provided, however, that~~
 36 ~~the amendments to subdivision 25 of section 1678 of the public authori-~~
 37 ~~ties law made by section one of this act shall survive the expiration~~
 38 ~~and reversion of such subdivision as provided by section 2 of chapter~~
 39 ~~584 of the laws of 2011, as amended.~~

PART D

41 Section 1. Paragraph (i) and the opening paragraph of paragraph (ii)
 42 of subdivision (a) of section 2 of part F of chapter 60 of the laws of
 43 2015, constituting the infrastructure investment act, as amended by
 44 section 1 of part RRR of chapter 59 of the laws of 2017, are amended to
 45 read as follows:

46 (i) "authorized state entity" shall mean the New York state thruway
 47 authority, the department of transportation, the office of parks, recre-
 48 ation and historic preservation, the department of environmental conser-
 49 vation, the dormitory authority, the urban development corporation, the
 50 office of general services, the department of health, [and] the New York
 51 state olympic regional development authority, and the New York state
 52 bridge authority.

53 Notwithstanding the provisions of subdivision 26 of section 1678 of
 54 the public authorities law, section 8 of the public buildings law,

State
 University
 of New
 York
 Construction
 Fund

S. 1508

6

A. 2008

1 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
 2 amended, section 103 of the general municipal law, and the provisions of
 3 any other law to the contrary, the term "authorized state entity" shall
 4 also refer to only those agencies or authorities identified below solely
 5 in connection with the following authorized projects, provided that such
 6 an authorized state entity may utilize the alternative delivery method
 7 referred to as design-build contracts solely in connection with the
 8 following authorized projects should the total cost of each such project
 9 not be less than ~~[five]~~ one million two hundred thousand dollars
 10 ~~[-\$5,000,000]~~ (\$1,200,000):

11 § 2. Subdivision (e) of section 2 of part F of chapter 60 of the laws
 12 of 2015, constituting the infrastructure investment act, is amended to
 13 read as follows:

14 (e) "design-build ~~[contract]~~" shall mean a ~~[contract]~~ project delivery
 15 method for the design and construction of a capital project with a
 16 single entity, which may be a team comprised of separate entities.

17 § 3. Section 2 of part F of chapter 60 of the laws of 2015, constitut-
 18 ing the infrastructure investment act is amended by adding three new
 19 subdivisions (g), (h) and (i) to read as follows:

20 (g) "alternative project delivery contract" shall mean any project
 21 delivery method, including but not limited to construction manager
 22 build, construction manager at risk, and design-build, pursuant to which
 23 one or more contracts for the provision of design or construction
 24 services are awarded pursuant to an open and competitive method of
 25 procurement.

26 (h) "construction manager at risk" shall mean a project delivery meth-
 27 od whereby (i) a construction manager serves as part of a team in
 28 conjunction with the owner in the design phase of the project; (ii)
 29 during the construction phase, acts as general contractor for agreed
 30 upon compensation as set forth in the construction manager at risk
 31 agreement; and (iii) assumes the risk of construction costs exceeding an
 32 amount specified in the construction manager at risk agreement.

33 (i) "construction manager build" shall mean a project delivery method
 34 whereby a construction manager: (i) serves as part of a team in conjunc-
 35 tion with the owner in the design phase of the project; (ii) under the
 36 oversight of the owner acts as the single source of responsibility to
 37 bid, select and hold construction contracts on behalf of the owner
 38 during the construction phase; and (iii) manages the construction
 39 project on behalf of the owner.

40 § 4. Section 3 of part F of chapter 60 of the laws of 2015, constitut-
 41 ing the infrastructure investment act, as amended by section 3 of part
 42 RRR of chapter 59 of the laws of 2017, is amended to read as follows:

43 § 3. Notwithstanding the provisions of section 38 of the highway law,
 44 section 136-a of the state finance law, ~~[section]~~ sections 359, 1678,
 45 1680, 1680-a and 2879-a of the public authorities law, ~~[section]~~
 46 sections 407-a, 6281 and 7210 of the education law, sections 8 and 9 of
 47 the public buildings law, section 11 of chapter 795 of the laws of 1967,
 48 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
 49 amended, section 11 of section 1 of chapter 174 of the laws of 1968, as
 50 amended, section 29 of chapter 337 of the laws of 1972, section 21 of
 51 chapter 464 of the laws of 1972, section 103 of the general municipal
 52 law, and the provisions of any other law to the contrary, and in
 53 conformity with the requirements of this act, an authorized state entity
 54 may utilize [the] alternative project delivery [method referred to as
 55 design-build] contracts, in consultation with relevant local labor
 56 organizations and construction industry, for capital projects located in

376,

S. 1508

7

A. 2008

1 the state and related to [~~the state's~~] physical infrastructure, includ-
 2 ing, but not limited to, [~~the state's~~] buildings and appurtenant struc-
 3 tures, highways, bridges, dams, flood control projects, canals, and
 4 parks, including, but not limited to, to repair damage caused by natural
 5 disaster, to correct health and safety defects, to comply with federal
 6 and state laws, standards, and regulations, to extend the useful life of
 7 or replace [~~the state's~~] buildings and appurtenant structures, highways,
 8 bridges, dams, flood control projects, canals, and parks or to improve
 9 or add to [~~the state's~~] buildings and appurtenant structures, highways,
 10 bridges, dams, flood control projects, canals, and parks; provided that
 11 for the contracts executed by the department of transportation, the
 12 office of parks, recreation and historic preservation, or the department
 13 of environmental conservation, the total cost of each such project shall
 14 not be less than ten million dollars (\$10,000,000).

15 § 5. Section 4 of part F of chapter 60 of the laws of 2015, constitut-
 16 ing the infrastructure investment act, as amended by section 4 of part
 17 RRR of chapter 59 of the laws of 2017, is amended to read as follows:

18 § 4. An entity selected by an authorized state entity to enter into [~~a~~
 19 ~~design-build contract shall~~] an alternative project delivery contract
 20 may be selected through a two-step method, as follows:

21 (a) Step one. Generation of a list of entities that have demonstrated
 22 the general capability to perform the [~~design-build~~] alternative project
 23 delivery contract. Such list shall consist of a specified number of
 24 entities, as determined by an authorized state entity, and shall be
 25 generated based upon the authorized state entity's review of responses
 26 to a publicly advertised request for qualifications. The authorized
 27 state entity's request for qualifications shall include a general
 28 description of the project, the maximum number of entities to be
 29 included on the list, the selection criteria to be used and the relative
 30 weight of each criteria in generating the list. Such selection criteria
 31 shall include the qualifications and experience of the [~~design and~~
 32 ~~construction team~~] entity or team of entities, 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, and such other qualifications
 37 the authorized state entity deems appropriate which may include but are
 38 not limited to project understanding, financial capability and record of
 39 past performance. The authorized state entity shall evaluate and rate
 40 all entities responding to the request for qualifications. Based upon
 41 such ratings, the authorized state entity shall list the entities that
 42 shall receive a request for proposals in accordance with subdivision (b)
 43 of this section. To the extent consistent with applicable federal law,
 44 the authorized state entity shall consider, when awarding any contract
 45 pursuant to this section, the participation of: (i) firms certified
 46 pursuant to article 15-A of the executive law as minority or women-owned
 47 businesses and the ability of other businesses under consideration to
 48 work with minority and women-owned businesses so as to promote and
 49 assist participation by such businesses; [and] (ii) small business
 50 concerns identified pursuant to subdivision (b) of section 139-g of the
 51 state finance law[-]; and (iii) firms certified pursuant to article 17-B
 52 of the executive law as service-disabled veteran-owned businesses and
 53 the ability of other businesses under consideration to work with
 54 service-disabled veteran-owned businesses so as to promote and assist
 55 participation by such businesses.

entity or
team of
entities

entity or
team of
entities

S. 1508

9

A. 2008

1 act shall not be construed to be a violation of section 6512 of the
2 education law.

3 § 9. Section 13 of part F of chapter 60 of the laws of 2015, consti-
4 tuting the infrastructure investment act, as amended by section 11 of
5 part RRR of chapter 59 of the laws of 2017, is amended to read as
6 follows:

7 § 13. Alternative construction awarding processes. (a) Notwithstand-
8 ing the provisions of any other law to the contrary, the authorized
9 state entity may award ~~[a construction]~~ an alternative project delivery
10 contract:

11 1. To the ~~[contractor]~~ entity offering the best value; or

12 2. Utilizing a cost-plus not to exceed guaranteed maximum price form
13 of contract in which the authorized state entity shall be entitled to
14 monitor and audit all project costs. In establishing the schedule and
15 process for determining a guaranteed maximum price, the contract between
16 the authorized state entity and the contractor shall:

17 (i) describe the scope of the work and the cost of performing such
18 work;

19 (ii) include a detailed line item cost breakdown;

20 (iii) include a list of all drawings, specifications and other infor-
21 mation on which the guaranteed maximum price is based;

22 (iv) include the dates for substantial and final completion on which
23 the guaranteed maximum price is based; and

24 (v) include a schedule of unit prices; ~~[or]~~

25 3. Utilizing a lump sum contract in which the ~~[contractor]~~ entity
26 agrees to accept a set dollar amount for a contract which comprises a
27 single bid without providing a cost breakdown for all costs such as for
28 equipment, labor, materials, as well as such ~~[contractor's]~~ entity's
29 profit for completing all items of work comprising the project. ~~[or]~~

30 4. The contract may include a combination of elements of the contract
31 types listed in this section, and may provide for professional services
32 on a fee-for-service basis.

33 (b) Capital projects undertaken by an authorized state entity may
34 include an incentive clause in the contract for various performance
35 objectives, but the incentive clause shall not include an incentive that
36 exceeds the quantifiable value of the benefit received by the authorized
37 state entity. ~~[The]~~ Notwithstanding the provisions of sections 136 and
38 137 of the state finance law, the authorized state entity shall [estab-
39 lish] require such performance and payment bonds, ~~[bonds]~~ or other form of
40 undertaking, as it deems necessary.

(a)
P The
alternative
project
delivery
project

41 § 10. Part F of chapter 60 of the laws of 2015, constituting the
42 infrastructure investment act is amended by adding a new section 15-a to
43 read as follows:

44 15-a. Any contract awarded pursuant to this act shall be deemed to be
45 awarded pursuant to a competitive procurement for purposes of section
46 2879-a of the public authorities law.

47 § 11. Section 17 of part F of chapter 60 of the laws of 2015, consti-
48 tuting the infrastructure investment act, as amended by section 14 of
49 part RRR of chapter 59 of the laws of 2017, is amended to read as
50 follows:

51 § 17. This act shall take effect immediately ~~[and shall expire and be~~
52 ~~deemed repealed 4 years after such date, provided that, projects with~~
53 ~~requests for qualifications issued prior to such repeal shall be permit-~~
54 ~~ted to continue under this act notwithstanding such repeal].~~

55 § 12. This act shall take effect immediately.

AMS
2/8/19

1 on or commenced on or after September 1, 1991, provided, however, that
 2 for the purposes of this section service of such summons made prior to
 3 such date shall be deemed to have been completed on September 1, 1991;
 4 the provisions of section three hundred eighty-three of this act shall
 5 apply to all money deposited in connection with a cash bail or a
 6 partially secured bail bond on or after such effective date; and the
 7 provisions of sections three hundred eighty-four and three hundred
 8 eighty-five of this act shall apply only to jury service commenced
 9 during a judicial term beginning on or after the effective date of this
 10 act; provided, however, that nothing contained herein shall be deemed to
 11 affect the application, qualification, expiration or repeal of any
 12 provision of law amended by any section of this act and such provisions
 13 shall be applied or qualified or shall expire or be deemed repealed in
 14 the same manner, to the same extent and on the same date as the case may
 15 be as otherwise provided by law;

16 § 2. Subdivision 8 of section 1809 of the vehicle and traffic law, as
 17 amended by section 13 of part A of chapter 55 of the laws of 2017, is
 18 amended to read as follows:

19 8. The provisions of this section shall only apply to offenses commit-
 20 ted on or before September first, two thousand [nineteen] twenty-one.

21 § 3. This act shall take effect immediately.

22 PART P

23 Section 1. The vehicle and traffic law is amended by adding two new
 24 sections 114-e and 114-f to read as follows:

25 § 114-e. Locally authorized scooter. Every two-wheeled device that is
 26 no more than forty-one inches in length, seventeen inches in width, and
 27 forty-five inches in height, which does not have a seat or saddle, is
 28 designed to transport one person standing on the device and can be
 29 propelled by any power other than muscular power. Such device may be
 30 lawfully operated on public highways pursuant to article thirty-four-D
 31 of this chapter only within such counties, cities, towns or villages
 32 that have authorized such operation by local law, ordinance, order, rule
 33 or regulation.

34 § 114-f. Locally authorized motorcycle. Every motor vehicle, including
 35 one partially powered by human power, other than one registered or capa-
 36 ble of being registered pursuant to this chapter as a motorcycle or
 37 limited use motorcycle, having a seat or a saddle for the use of the
 38 rider and designed to travel on two wheels and having a maximum perform-
 39 ance speed of not more than twenty miles per hour. Such device may be
 40 lawfully operated on public highways pursuant to article thirty-four-E
 41 of this chapter only within such counties, cities, towns or villages
 42 that have authorized such operation by local law, ordinance, order, rule
 43 or regulation.

44 § 2. Section 125 of the vehicle and traffic law, as amended by chapter
 45 365 of the laws of 2008, is amended to read as follows:

46 § 125. Motor vehicles. Every vehicle operated or driven upon a public
 47 highway which is propelled by any power other than muscular power,
 48 except (a) electrically-driven mobility assistance devices operated or
 49 driven by a person with a disability, (a-1) electric personal assistive
 50 mobility devices operated outside a city with a population of one
 51 million or more, (a-2) locally authorized scooters, (a-3) locally
 52 authorized motorcycles, (b) vehicles which run only upon rails or
 53 tracks, (c) snowmobiles as defined in article forty-seven of this chap-
 54 ter, and (d) all terrain vehicles as defined in article forty-eight-B of

AMS
2/1/19

1 officer, or in the event that no police officer is in the vicinity of
2 the place of said injury, then such person shall report said incident as
3 soon as physically able to the nearest police station or judicial offi-
4 cer.

5 (b) A violation of paragraph (a) of this subdivision shall be a
6 violation.

7 2. (a) Any person eighteen years of age or older operating a locally
8 authorized scooter who knowing or having cause to know, that serious
9 physical injury, as defined in subdivision ten of section 10.00 of the
10 penal law, has been caused to another person, due to the operation of
11 such locally authorized scooter by such person shall, before leaving the
12 place where such serious physical injury occurred, stop and provide his
13 or her name and residence, including street and street number, to the
14 injured party, if practical, and also to a police officer, or in the
15 event that no police officer is in the vicinity of the place of said
16 injury, then such person shall report said incident as soon as phys-
17 ically able to the nearest police station or judicial officer.

18 (b) A violation of paragraph (a) of this subdivision shall be a class
19 B misdemeanor.

20 § 1288. Operation of a locally authorized scooter while under the
21 influence of alcohol or drugs. 1. Offenses; criminal penalties. (a) No
22 person shall operate a locally authorized scooter while his or her abil-
23 ity to operate such locally authorized scooter is impaired by the
24 consumption of alcohol.

25 (i) A violation of this subdivision shall be an offense and shall be
26 punishable by a fine of not less than three hundred dollars nor more
27 than five hundred dollars, or by imprisonment in a penitentiary or coun-
28 ty jail for not more than fifteen days, or by both such fine and impri-
29 sonment.

30 (ii) A person who operates a locally authorized scooter in violation
31 of this subdivision after being convicted of a violation of any subdivi-
32 sion of this section within the preceding five years shall be punished
33 by a fine of not less than five hundred dollars nor more than seven
34 hundred fifty dollars, or by imprisonment of not more than thirty days
35 in a penitentiary or county jail or by both such fine and imprisonment.

36 (iii) A person who operates a locally authorized scooter in violation
37 of this subdivision after being convicted two or more times of a
38 violation of any subdivision of this section within the preceding ten
39 years shall be guilty of a misdemeanor, and shall be punished by a fine
40 of not less than seven hundred fifty dollars nor more than fifteen
41 hundred dollars, or by imprisonment of not more than one hundred eighty
42 days in a penitentiary or county jail or by both such fine and imprison-
43 ment.

44 (b) No such person shall operate a locally authorized scooter while he
45 or she has .08 of one per centum or more by weight of alcohol in his or
46 her blood, breath, urine, or saliva, as determined by the chemical test
47 made pursuant to the provisions of subdivision five of this section.

48 (c) No such person shall operate a locally authorized scooter while he
49 or she has .04 of one per centum or more by weight of alcohol in his or
50 her blood, breath, urine, or saliva, as determined by the chemical test
51 made pursuant to the provisions of subdivision five of this section.

52 (d) No person shall operate a locally authorized scooter while he or
53 she is in an intoxicated condition.

54 (e) No person shall operate a locally authorized scooter while his or
55 her ability to operate such locally authorized scooter is impaired by

1 the use of a drug as defined by section one hundred fourteen-a of the
2 this chapter.

3 (f) No person shall operate a locally authorized scooter while his or
4 her ability to operate such locally authorized scooter is impaired by
5 the combined influence of drugs or of alcohol and any drug or drugs as
6 defined by section one hundred fourteen-a of this chapter.

7 (g)(i) A violation of paragraph (b), (c), (d), (e) or (f) of this
8 subdivision shall be a misdemeanor and shall be punishable by imprison-
9 ment in a penitentiary or county jail for not more than one year, or by
10 a fine of not less than five hundred dollars nor more than one thousand
11 dollars, or by both such fine and imprisonment.

12 (ii) A person who operates a locally authorized scooter in violation
13 of paragraph (b), (c), (d), (e) or (f) of this subdivision after having
14 been convicted of a violation of paragraph (b), (c), (d), (e) or (f) of
15 this subdivision, or of operating a locally authorized scooter while
16 intoxicated or while under the influence of drugs, or while under the
17 combined influence of drugs or of alcohol and any drug or drugs, within
18 the preceding ten years, shall be guilty of a class E felony and shall
19 be punished by a period of imprisonment as provided in the penal law, or
20 by a fine of not less than one thousand dollars nor more than five thou-
21 sand dollars, or by both such fine and imprisonment.

22 (iii) A person who operates a locally authorized scooter in violation
23 of paragraph (b), (c), (d), (e) or (f) of this subdivision after having
24 been twice convicted of a violation of any of such paragraph (b), (c),
25 (d), (e) or (f) of this subdivision or of operating a locally authorized
26 scooter while intoxicated or under the influence of drugs, or while
27 under the combined influence of drugs or of alcohol and any drug or
28 drugs, within the preceding ten years, shall be guilty of a class D
29 felony and shall be punished by a fine of not less than two thousand
30 dollars nor more than ten thousand dollars or by a period of imprison-
31 ment as provided in the penal law, or by both such fine and imprison-
32 ment.

33 2. Sentencing limitations. Notwithstanding any provision of the penal
34 law, no judge or magistrate shall impose a sentence of unconditional
35 discharge or a violation of paragraph (b), (c), (d), (e) or (f) of
36 subdivision one of this section nor shall he or she impose a sentence of
37 conditional discharge unless such conditional discharge is accompanied
38 by a sentence of a fine as provided in this section.

39 3. Sentencing; previous convictions. When sentencing a person for a
40 violation of paragraph (b), (c), (d), (e) or (f) of subdivision one of
41 this section pursuant to subparagraph (ii) of paragraph (g) of subdivi-
42 sion one of this section, the court shall consider any prior convictions
43 the person may have for a violation of subdivision two, two-a, three,
44 four, or four-a of section eleven hundred ninety-two of this title with-
45 in the preceding ten years. When sentencing a person for a violation
46 paragraph (b), (c), (d), (e) or (f) of subdivision one of this section
47 pursuant to subparagraph (iii) of paragraph (g) of subdivision one of
48 this section, the court shall consider any prior convictions the person
49 may have for a violation of subdivision two, two-a, three, four, or
50 four-a of section eleven hundred ninety-two of this title within the
51 preceding ten years. When sentencing a person for a violation of subpar-
52 agraph (ii) of paragraph (a) of subdivision one of this section, the
53 court shall consider any prior convictions the person may have for a
54 violation of any subdivision of section eleven hundred ninety-two of
55 this title within the preceding five years. When sentencing a person for
56 a violation of subparagraph (iii) of paragraph (a) of subdivision one of

← INSERT DMV 56

(f)

(f)

1 this section, the court shall consider any prior convictions the person
2 may have for a violation of any subdivision of section eleven hundred
3 ninety-two of this title within the preceding ten years.

4 4. Arrest and testing. (a) Notwithstanding the provisions of section
5 140.10 of the criminal procedure law, a police officer may, without a
6 warrant, arrest a person, in case of a violation of any paragraph of
7 subdivision one of this section, if such violation is coupled with an
8 accident or collision in which such person is involved, which in fact
9 had been committed, though not in the police officer's presence, when he
10 or she has reasonable cause to believe that the violation was committed
11 by such person. For the purposes of this subdivision police officer
12 shall also include a peace officer authorized to enforce this chapter
13 when the alleged violation constitutes a crime.

14 (b) Breath test for operators of locally authorized scooters. Every
15 person operating a locally authorized scooter which has been involved in
16 an accident or which is operated in violation of any of the provisions
17 of this section which regulate the manner in which a locally authorized
18 scooter is to be properly operated shall, at the request of a police
19 officer, submit to a breath test to be administered by the police offi-
20 cer. If such test indicates that such operator has consumed alcohol, the
21 police officer may request such operator to submit to a chemical test in
22 the manner set forth in subdivision five of this section.

23 5. Chemical tests. (a) Any person who operates a locally authorized
24 scooter shall be requested to consent to a chemical test of one or more
25 of the following: breath, blood, urine, or saliva for the purpose of
26 determining the alcoholic or drug content of his or her blood, provided
27 that such test is administered at the direction of a police officer: (i)
28 having reasonable cause to believe such person to have been operating in
29 violation of this subdivision or paragraph (a), (b), (c), (d), ~~(e)~~ (e) ~~or~~
30 (f) of subdivision one of this section and within two hours after such
31 person has been placed under arrest for any such violation or (ii) with-
32 in two hours after a breath test as provided in paragraph (b) of subdi-
33 vision four this section indicates that alcohol has been consumed by
34 such person and in accordance with the rules and regulations established
35 by the police force of which the officer is a member.

36 (b) For the purpose of this subdivision "reasonable cause" shall be
37 determined by viewing the totality of circumstances surrounding the
38 incident which, when taken together, indicate that the operator was
39 operating a locally authorized scooter in violation of any paragraph of
40 subdivision one of this section. Such circumstances may include, but are
41 not limited to: evidence that the operator was operating a locally
42 authorized scooter in violation of any provision of this chapter, local
43 law, ordinance, order, rule or regulation which regulates the manner in
44 which a locally authorized scooter be properly operated at the time of
45 the incident; any visible indication of alcohol or drug consumption or
46 impairment by the operator; and other evidence surrounding the circum-
47 stances of the incident which indicates that the operator has been oper-
48 ating a locally authorized scooter while impaired by the consumption of
49 alcohol or drugs or was intoxicated at the time of the incident.

50 6. Chemical test evidence. (a) Upon the trial of any such action or
51 proceeding arising out of actions alleged to have been committed by any
52 person arrested for a violation of any paragraph of subdivision one of
53 this section, the court shall admit evidence of the amount of alcohol or
54 drugs in the defendant's blood as shown by a test administered pursuant
55 to the provisions of subdivision five of this section.

1 (b) The following effect shall be give to evidence of blood alcohol
2 content, as determined by such tests, of a person arrested for a
3 violation of any paragraph of subdivision one of this section and who
4 was operating a locally authorized scooter:

5 (i) evidence that there was .05 of one per centum or less by weight of
6 alcohol in such person's blood shall be prima facie evidence that the
7 ability of such person to operate a locally authorized scooter was not
8 impaired by the consumption of alcohol, and that such person was not in
9 an intoxicated condition.

10 (ii) evidence that there was more than .05 of one per centum but less
11 than .07 of one per centum by weight of alcohol in such person's blood
12 shall be prima facie evidence that such person was not in an intoxicated
13 condition, but such evidence shall be relevant evidence but not be given
14 prima facie effect, in determining whether the ability of such person to
15 operate a locally authorized scooter was impaired by the consumption of
16 alcohol.

17 (iii) evidence that there was .07 of one per centum or more but less
18 than .08 of one per centum by weight of alcohol in his or her blood
19 shall be prima facie evidence that such person was not in an intoxicated
20 condition, but such evidence shall be given prima facie effect in deter-
21 mining whether the ability of such person to operate a locally author-
22 ized scooter was impaired by the consumption of alcohol.

23 (c) Evidence of a refusal to submit to a chemical test or any portion
24 thereof shall be admissible in any trial or hearing provided the request
25 to submit to such a test was made in accordance with the provisions of
26 subdivision five of this section.

27 7. Limitations. (a) A locally authorized scooter operator may be
28 convicted of a violation of paragraphs (a), (b), (d), ~~(e)~~ and (f) of
29 subdivision one of this section, notwithstanding that the charge laid
30 before the court alleged a violation of paragraph (b), ~~(d)~~, ~~(e)~~ or (f)
31 of subdivision one of this section, and regardless of whether or not
32 such condition is based on a plea of guilty.

33 (b) In any case wherein the charge laid before the court alleges a
34 violation of paragraph (b), (c), (d), ~~(e)~~ or (f) of subdivision one of
35 this section, any plea of guilty thereafter entered in satisfaction of
36 such charge must include at least a plea of guilty to the violation of
37 the provisions of one of the paragraphs of such subdivision one and no
38 other disposition by plea of guilty to any other charge in satisfaction
39 of such charge shall be authorized; provided, however, if the district
40 attorney upon reviewing the available evidence determines that the
41 charge of a violation of subdivision one of this section is not
42 warranted, he or she may consent, and the court may allow, a disposition
43 by a plea of guilty to another charge in satisfaction of such charge.

44 § 4. The vehicle and traffic law is amended by adding a new article
45 34-E to read as follows:

46 ARTICLE 34-E

47 OPERATION OF LOCALLY AUTHORIZED MOTORCYCLES

48 Section 1290. Effect of requirements.

49 1291. Traffic laws apply to persons operating locally authorized
50 motorcycles; local laws.

51 1292. Operating locally authorized motorcycles.

52 1293. Clinging to vehicles.

53 1294. Riding on roadways, shoulders and lanes reserved for non-
54 motorized vehicles and devices.

55 1295. Lamps and other equipment.

56 1296. Operators to wear protective headgear.

1 person shall operate a locally authorized motorcycle while his or her
2 ability to operate such locally authorized motorcycle is impaired by the
3 consumption of alcohol.

4 (i) A violation of this subdivision shall be an offense and shall be
5 punishable by a fine of not less than three hundred dollars nor more
6 than five hundred dollars, or by imprisonment in a penitentiary or coun-
7 ty jail for not more than fifteen days, or by both such fine and impri-
8 sonment.

9 (ii) A person who operates a locally authorized motorcycle in
10 violation of this subdivision after being convicted of a violation of
11 any subdivision of this section within the preceding five years shall be
12 punished by a fine of not less than five hundred dollars nor more than
13 seven hundred fifty dollars, or by imprisonment of not more than thirty
14 days in a penitentiary or county jail or by both such fine and imprison-
15 ment.

16 (iii) A person who operates a locally authorized motorcycle in
17 violation of this subdivision after being convicted two or more times of
18 a violation of any subdivision of this section within the preceding ten
19 years shall be guilty of a misdemeanor, and shall be punished by a fine
20 of not less than seven hundred fifty dollars nor more than fifteen
21 hundred dollars, or by imprisonment of not more than one hundred eighty
22 days in a penitentiary or county jail or by both such fine and imprison-
23 ment.

24 (b) No such person shall operate a locally authorized motorcycle while
25 he or she has .08 of one per centum or more by weight of alcohol in his
26 or her blood, breath, urine, or saliva, as determined by the chemical
27 test made pursuant to the provisions of subdivision five of this
28 section.

29 (c) No such person shall operate a locally authorized motorcycle
30 while he or she has .04 of one per centum or more by weight of alcohol
31 in his or her blood, breath, urine, or saliva, as determined by the
32 chemical test made pursuant to the provisions of subdivision five of
33 this section.

34 (d) No person shall operate a locally authorized motorcycle while he
35 or she is in an intoxicated condition.

36 (e) No person shall operate a locally authorized motorcycle while his
37 or her ability to operate such locally authorized motorcycle is impaired
38 by the use of a drug as defined by section one hundred fourteen-a of
39 this chapter.

40 (f) No person shall operate a locally authorized motorcycle while his
41 or her ability to operate such locally authorized motorcycle is impaired
42 by the combined influence of drugs or of alcohol and any drug or drugs
43 as defined by section one hundred fourteen-a of this chapter.

44 (g) (i) A violation of paragraph (b), (c), (d), ~~(e) or (f)~~ of this
45 subdivision shall be a misdemeanor and shall be punishable by imprison-
46 ment in a penitentiary or county jail for not more than one year, or by
47 a fine of not less than five hundred dollars nor more than one thousand
48 dollars, or by both such fine and imprisonment.

49 (ii) A person who operates a locally authorized motorcycle in
50 violation of paragraph (b), (c), (d), ~~(e) or (f)~~ of this subdivision
51 after having been convicted of a violation of paragraph (b), (c), (d),
52 ~~(e) or (f)~~ of this subdivision, or of operating a locally authorized
53 motorcycle while intoxicated or while under the influence of drugs, or
54 while under the combined influence of drugs or of alcohol and any drug
55 or drugs, within the preceding ten years, shall be guilty of a class E
56 felony and shall be punished by a period of imprisonment as provided in

← INSERT
DRAFT

1 the penal law, or by a fine of not less than one thousand dollars nor
2 more than five thousand dollars, or by both such fine and imprisonment.
3 (iii) A person who operates a locally authorized motorcycle in
4 violation of paragraph (b), (c), (d), (e) or (f) of this subdivision
5 after having been twice convicted of a violation of any of such para-
6 graph (b), (c), (d), (e) or (f) of this subdivision or of operating a
7 locally authorized motorcycle while intoxicated or under the influence
8 of drugs, or while under the combined influence of drugs or of alcohol
9 and any drug or drugs, within the preceding ten years, shall be guilty
10 of a class D felony and shall be punished by a fine of not less than two
11 thousand dollars nor more than ten thousand dollars or by a period of
12 imprisonment as provided in the penal law, or by both such fine and
13 imprisonment.

14 2. Sentencing limitations. Notwithstanding any provision of the penal
15 law, no judge or magistrate shall impose a sentence of unconditional
16 discharge or a violation of paragraph (b), (c), (d), (e) or (f) of
17 subdivision one of this section nor shall he or she impose a sentence of
18 conditional discharge unless such conditional discharge is accompanied
19 by a sentence of a fine as provided in this section.

20 3. Sentencing; previous convictions. When sentencing a person for a
21 violation of paragraph (b), (c), (d), (e) or (f) of subdivision one of
22 this section pursuant to subparagraph (ii) of paragraph (g) of subdivi-
23 sion one of this section, the court shall consider any prior convictions
24 the person may have for a violation of subdivision two, two-a, three,
25 four, or four-a of section eleven hundred ninety-two of this title with-
26 in the preceding ten years. When sentencing a person for a violation of
27 paragraph (b), (c), (d), (e) or (f) of subdivision one of this section
28 pursuant to subparagraph (iii) of paragraph (g) of subdivision one of
29 this section, the court shall consider any prior convictions the person
30 may have for a violation of subdivision two, two-a, three, four, or
31 four-a of section eleven hundred ninety-two of this title within the
32 preceding ten years. When sentencing a person for a violation of subpar-
33 agraph (ii) of paragraph (a) of subdivision one of this section, the
34 court shall consider any prior convictions the person may have for a
35 violation of any subdivision of section eleven hundred ninety-two of
36 this title within the preceding five years. When sentencing a person for
37 a violation of subparagraph (iii) of paragraph (a) of subdivision one of
38 this section, the court shall consider any prior convictions the person
39 may have for a violation of any subdivision of section eleven hundred
40 ninety-two of this title within the preceding ten years.

41 4. Arrest and testing. (a) Notwithstanding the provisions of section
42 140.10 of the criminal procedure law, a police officer may, without a
43 warrant, arrest a person, in case of a violation of any paragraph of
44 subdivision one of this section, if such violation is coupled with an
45 accident or collision in which such person is involved, which in fact
46 had been committed, though not in the police officer's presence, when he
47 or she has reasonable cause to believe that the violation was committed
48 by such person. For the purposes of this subdivision police officer
49 shall also include a peace officer authorized to enforce this chapter
50 when the alleged violation constitutes a crime.

51 (b) Breath test for operators of locally authorized motorcycles.
52 Every person operating a locally authorized motorcycle which has been
53 involved in an accident or which is operated in violation of any of the
54 provisions of this section which regulate the manner in which a locally
55 authorized motorcycle is to be properly operated shall, at the request
56 of a police officer, submit to a breath test to be administered by the

1 police officer. If such test indicates that such operator has consumed
2 alcohol, the police officer may request such operator to submit to a
3 chemical test in the manner set forth in subdivision five of this
4 section.

5 5. Chemical tests. (a) Any person who operates a locally authorized
6 motorcycle shall be requested to consent to a chemical test of one or
7 more of the following: breath, blood, urine, or saliva for the purpose
8 of determining the alcoholic or drug content of his or her blood,
9 provided that such test is administered at the direction of a police
10 officer: (i) having reasonable cause to believe such person to have been
11 operating in violation of [this subdivision or] paragraph (a), (b), (c),
12 (d), (e) or (f) of subdivision one of this section and within two hours
13 after such person has been placed under arrest for any such violation or
14 (ii) within two hours after a breath test as provided in paragraph (b)
15 of subdivision four of this section indicates that alcohol has been
16 consumed by such person and in accordance with the rules and regulations
17 established by the police force of which the officer is a member.

18 (b) For the purpose of this subdivision "reasonable cause" shall be
19 determined by viewing the totality of circumstances surrounding the
20 incident which, when taken together, indicate that the operator was
21 operating a locally authorized motorcycle in violation of any paragraph
22 of subdivision one of this section. Such circumstances may include, but
23 are not limited to: evidence that the operator was operating a locally
24 authorized motorcycle in violation of any provision of this chapter,
25 local law, ordinance, order, rule or regulation which regulates the
26 manner in which a locally authorized motorcycle be properly operated at
27 the time of the incident; any visible indication of alcohol or drug
28 consumption or impairment by the operator; and other evidence surround-
29 ing the circumstances of the incident which indicates that the operator
30 has been operating a locally authorized motorcycle while impaired by the
31 consumption of alcohol or drugs or was intoxicated at the time of the
32 incident.

33 6. Chemical test evidence. (a) Upon the trial of any such action or
34 proceeding arising out of actions alleged to have been committed by any
35 person arrested for a violation of any paragraph of subdivision one of
36 this section, the court shall admit evidence of the amount of alcohol or
37 drugs in the defendant's blood as shown by a test administered pursuant
38 to the provisions of subdivision five of this section.

39 (b) The following effect shall be given to evidence of blood alcohol
40 content, as determined by such tests, of a person arrested for a
41 violation of any paragraph of subdivision one of this section and who
42 was operating a locally authorized motorcycle:

43 (i) evidence that there was .05 of one per centum or less by weight of
44 alcohol in such person's blood shall be prima facie evidence that the
45 ability of such person to operate a locally authorized motorcycle was
46 not impaired by the consumption of alcohol, and that such person was not
47 in an intoxicated condition.

48 (ii) evidence that there was more than .05 of one per centum but less
49 than .07 of one per centum by weight of alcohol in such person's blood
50 shall be prima facie evidence that such person was not in an intoxicated
51 condition, but such evidence shall be relevant evidence but not be given
52 prima facie effect, in determining whether the ability of such person to
53 operate a locally authorized motorcycle was impaired by the consumption
54 of alcohol.

55 (iii) evidence that there was .07 of one per centum or more but less
56 than .08 of one per centum by weight of alcohol in his or her blood



1 shall be prima facie evidence that such person was not in an intoxicated
2 condition, but such evidence shall be given prima facie effect in deter-
3 mining whether the ability of such person to operate a locally author-
4 ized motorcycle was impaired by the consumption of alcohol.

5 (c) Evidence of a refusal to submit to a chemical test or any portion
6 thereof shall be admissible in any trial or hearing provided the request
7 to submit to such a test was made in accordance with the provisions of
8 subdivision five of this section.

9 7. Limitations. (a) A locally authorized motorcycle operator may be
10 convicted of a violation of paragraphs (a), (b), (d), (e) ~~and (f)~~ of
11 subdivision one of this section, notwithstanding that the charge laid
12 before the court alleged a violation of paragraph (b), (d) (e) ~~or (f)~~
13 of subdivision one of this section, and regardless of whether or not
14 such condition is based on a plea of guilty.

15 (b) In any case wherein the charge laid before the court alleges a
16 violation of paragraph (b), (c), (d), (e) ~~or (f)~~ of subdivision one of
17 this section, any plea of guilty thereafter entered in satisfaction of
18 such charge must include at least a plea of guilty to the violation of
19 the provisions of one of the paragraphs of such subdivision one and no
20 other disposition by plea of guilty to any other charge in satisfaction
21 of such charge shall be authorized; provided, however, if the district
22 attorney upon reviewing the available evidence determines that the
23 charge of a violation of subdivision one of this section is not
24 warranted, he or she may consent, and the court may allow, a disposition
25 by plea of guilty to another charge in satisfaction of such charge.

26 § 5. This act shall take effect immediately.

27 PART Q

28 Section 1. Paragraph (d) of section 304 of the business corporation
29 law is amended to read as follows:

30 (d) Any designated post office address maintained by the secretary of
31 state as agent of a domestic corporation or foreign corporation for the
32 purpose of mailing process shall be the post office address, within or
33 without the state, to which a person shall mail process against such
34 corporation as required by this article. Any designated [post-office]
35 post office address to which the secretary of state or a person shall
36 mail a copy of any process served upon [him] the secretary of state as
37 agent of a domestic corporation or a foreign corporation, shall continue
38 until the filing of a certificate under this chapter directing the mail-
39 ing to a different [post-office] post office address.

40 § 2. Paragraph (a) of section 305 of the business corporation law, as
41 amended by chapter 131 of the laws of 1985, is amended to read as
42 follows:

43 (a) In addition to such designation of the secretary of state, every
44 domestic corporation or authorized foreign corporation may designate a
45 registered agent in this state upon whom process against such corpo-
46 ration may be served. The agent shall be a natural person who is a resi-
47 dent of or has a business address in this state [or], a domestic corpo-
48 ration or foreign corporation of any type or kind formed, or authorized
49 to do business in this state[,] under this chapter or under any other
50 statute of this state, or a domestic limited liability company or
51 foreign limited liability company formed or authorized to do business in
52 this state.



Insert A
TED 108

1 22. The commissioner shall not register any motor vehicle that has
 2 been altered, a vehicle commonly referred to as a "stretch limousine",
 3 so as to add seating capacity beyond that provided by the original
 4 manufacturer by way of an extended chassis, lengthened wheel base, or an
 5 elongated seating area, and in the case of a truck, has been modified to
 6 transport passengers. Owners of such vehicles that are registered shall
 7 surrender the registration to the commissioner, and the commissioner
 8 shall revoke any such registration upon discovery thereof, so that in no
 9 way shall such a motor vehicle be registered for operation.

~~shall~~ ~~revoke~~
 The registration
 of any altered
 vehicle not in
 compliance
 with 49 C.F.R.
 Part 567, as
 determined by
 The commissioner,
 and

10 23. The commissioner shall refund to or credit the account of any
 11 person who paid a registration fee for an altered vehicle, the pro rata
 12 unused portion of such registration fee.

13 § 9. The vehicle and traffic law is amended by adding a new section
 14 308-a to read as follows:

15 § 308-a. Mandatory reporting. If any motor vehicle is presented for
 16 inspection at a licensed official inspection station, and such vehicle
 17 has been altered, a vehicle commonly referred to as a "stretch limou-
 18 sine", so as to add seating capacity beyond that provided by the
 19 original manufacturer by way of an extended chassis, lengthened wheel
 20 base, or an elongated seating area, and in the case of a truck, has been
 21 modified to transport passengers, such licensed official inspection
 22 station shall refuse inspection for such vehicle and promptly report
 23 such vehicle to the commissioner in the form and manner prescribed by
 24 the commissioner.

25 § 10. Section 306 of the vehicle and traffic law is amended by adding
 26 a new subdivision (g) to read as follows:

27 (g) Any person who shall issue a certificate of inspection provided
 28 for in this article for a motor vehicle that is required to obtain
 29 approval to operate in the state as a common or contract carrier of
 30 passengers by motor vehicle from the commissioner of transportation
 31 shall be guilty of a misdemeanor.

32 § 11. Subparagraph (iv) of paragraph (b) of subdivision 2 of section
 33 501 of the vehicle and traffic law, as amended by section 4 of part E of
 34 chapter 58 of the laws of 2016, is amended to read as follows:

35 (iv) P endorsement. Shall be required to operate a bus as defined in
 36 sections one hundred four and five hundred nine-a of this chapter, or a
 37 large livery as defined in section one hundred twenty-one-dd of this
 38 chapter, or any motor vehicle with a gross vehicle weight or gross vehi-
 39 cle weight rating of more than twenty-six thousand pounds which is
 40 designed to transport passengers in commerce. For the purposes of this
 41 subparagraph the gross vehicle weight of a vehicle shall mean the actual
 42 weight of the vehicle and the load.

43 § 12. Subparagraph (iv) of paragraph (a) of subdivision 4 of section
 44 501-a of the vehicle traffic law, as added by chapter 173 of the laws of
 45 1990, is amended to read as follows:

46 (iv) defined as a bus in subdivision one of section five hundred
 47 nine-a of this chapter, or as a large livery in section one hundred
 48 twenty-one-dd of this chapter; or

49 § 13. The vehicle and traffic law is amended by adding a new section
 50 1161-a to read as follows:

51 § 1161-a. U-turns by certain motor vehicles prohibited. (1) Notwith-
 52 standing any other provision of law, no U-turn shall be performed by a
 53 vehicle having an overall length of eighteen feet or more, a bus as
 54 defined in section one hundred four of this chapter, or a large livery
 55 as defined in section one hundred twenty-one-dd of this chapter.

1 Triborough bridge and tunnel authority, the commissioner, the commis-
 2 sioner of transportation or agent of [the commissioner] such commis-
 3 ers having knowledge of such facts shall have the power to secure
 4 possession thereof and return the same to the commissioner[, and the
 5 commissioner may forthwith direct any police officer, bridge and tunnel
 6 officer of the Triborough bridge and tunnel authority, acting pursuant
 7 to his or her special duties, or agent of the commissioner to secure
 8 possession thereof and to return the same to the commissioner]. Failure
 9 of the holder or of any person possessing the license card or number
 10 plates to deliver to any police officer, bridge and tunnel officer of
 11 the Triborough bridge and tunnel authority, or agent of the commissioner
 12 of transportation, or agent of the commissioner who requests the same
 13 pursuant to this subdivision shall be a misdemeanor. [Notice of revoca-
 14 tion or suspension of any license or registration shall be transmitted
 15 forthwith by the commissioner to the chief of police of the city or
 16 prosecuting officer of the locality in which the person whose license or
 17 registration so revoked or suspended resides.] In case any license or
 18 registration shall expire before the end of any period for which it has
 19 been revoked or suspended, and before it shall have been restored as
 20 provided in this chapter, then and in that event any renewal thereof may
 21 be withheld until the end of such period of suspension or until restora-
 22 tion, as the case may be.

23 The revocation of a learner's permit shall automatically cancel the
 24 application for a license of the holder of such permit.

25 No suspension or revocation of a license or registration shall be made
 26 because of a judgment of conviction if the suspending or revoking offi-
 27 cer is satisfied that the magistrate who pronounced the judgment failed
 28 to comply with subdivision one of section eighteen hundred seven of this
 29 chapter. In case a suspension or revocation has been made and the
 30 commissioner is satisfied that there was such failure, the commissioner
 31 shall restore the license or registration or both as the case may be.

32 ~~§ 16-18~~ This act shall take effect immediately; provided, however,
 33 section five of this act shall take effect October 1, 2019; and provided
 34 further, however, that sections eleven and twelve of this act shall take
 35 effect on the ninetieth day after they shall have become a law.

TED 110
 108877

36 PART U

37 Section 1. Expenditures of moneys appropriated in a chapter of the
 38 laws of 2019 to the department of agriculture and markets from the
 39 special revenue funds-other/state operations, miscellaneous special
 40 revenue fund-339, public service account shall be subject to the
 41 provisions of this section. Notwithstanding any other provision of law
 42 to the contrary, direct and indirect expenses relating to the department
 43 of agriculture and markets' participation in general ratemaking
 44 proceedings pursuant to section 65 of the public service law or certif-
 45 ication proceedings pursuant to article 7 or 10 of the public service
 46 law, shall be deemed expenses of the department of public service within
 47 the meaning of section 18-a of the public service law. No later than
 48 August 15, 2020, the commissioner of the department of agriculture and
 49 markets shall submit an accounting of such expenses, including, but not
 50 limited to, expenses in the 2019--2020 state fiscal year for personal
 51 and non-personal services and fringe benefits, to the chair of the
 52 public service commission for the chair's review pursuant to the
 53 provisions of section 18-a of the public service law. No later than
 54 August 15, 2021, the commissioner of the department of agriculture and

MMS
2/1/19

S. 1508

124

A. 2008

1 (e) an enterprise owned by an individual or individuals, whose owner-
2 ship, control and operation are relied upon for certification, with a
3 personal net worth that does not exceed three million five hundred thou-
4 sand dollars, or such other amount as the director shall set forth in
5 regulations, as adjusted annually on the first of January for inflation
6 according to the consumer price index of the previous year; and

7 (b) [~~Hispanic~~] Hispanic/Latino persons of Mexican, Puerto Rican,
8 Dominican, Cuban, Central or South American of either Indian or Hispanic
9 origin, regardless of race;

10 13. "State contract" shall mean: (a) a written agreement or purchase
11 order instrument, providing for a total expenditure in excess of twen-
12 ty-five thousand dollars, whereby a contracting agency is committed to
13 expend or does expend or grant funds in return for labor, services
14 including but not limited to legal, financial and other professional
15 services, supplies, equipment, materials or any combination of the fore-
16 going, to be performed for, on behalf of, or rendered or furnished to
17 the contracting agency; (b) a written agreement in excess of one hundred
18 thousand dollars whereby a contracting agency is committed to expend or
19 grant or does expend funds for the acquisition, construction, demoli-
20 tion, replacement, major repair or renovation of real property and
21 improvements thereon; [~~and~~] (c) a written agreement in excess of one
22 hundred thousand dollars whereby the owner of a state assisted housing
23 project is committed to expend or does expend funds for the acquisition,
24 construction, demolition, replacement, major repair or renovation of
25 real property and improvements thereon for such project; and (d) a writ-
26 ten agreement or purchase order instrument, providing for a total
27 expenditure in excess of fifty thousand dollars, whereby a state-funded
28 entity is committed to expend or does expend funds paid to the state-
29 funded entity by the state of New York, including those paid to the
30 state-funded entity pursuant to an appropriation, for any product or
31 service.

32 (e) an enterprise owned by an individual or individuals, whose owner-
33 ship, control and operation are relied upon for certification, with a
34 personal net worth that does not exceed three million five hundred thou-
35 sand dollars, or such other amount as the director shall set forth in
36 regulations, as adjusted annually on the first of January for inflation
37 according to the consumer price index of the previous year; and

38 16. "Statewide advocate" shall mean the person appointed by the
39 [~~commissioner~~] director to serve in the capacity of the minority and
40 women-owned business enterprise statewide advocate and procurement
41 ombudsman.

42 19. "Personal net worth" shall mean the aggregate adjusted net value
43 of the assets of an individual remaining after total liabilities are
44 deducted. Personal net worth includes the individual's share of assets
45 held jointly with said individual's spouse and does not include the
46 individual's ownership interest in the certified minority and women-
47 owned business enterprise, the individual's [~~equity in his or her prima-~~ a
48 ry residence] ownership interest in any holding company that leases real
49 property, machinery, equipment, or vehicles exclusively to the certified
50 minority or women-owned business enterprise, the value of up to two
51 hundred percent of the median value of owner-occupied housing units in
52 the municipality in which the individual resides, or up to [~~five~~ seven]
53 thousand dollars of the present cash value of any qualified retirement
54 savings plan or individual retirement account held by the individual
55 less any penalties for early withdrawal. fifty

*What is majority owned by the
minority group members or women
relied upon for certification*

MMS
2/1/19

S. 1508

127

A. 2008

1 Such study shall include, but not be limited to, an analysis of the
2 history of minority and women-owned business enterprise programs and
3 their effectiveness as a means of securing and ensuring participation by
4 minorities and women, and a disparity analysis by market area and region
5 of the state. Such study shall distinguish between minority males,
6 minority females and non-minority females in the statistical analysis.

7 2. The director of the division of minority and women-owned business
8 development is directed to transmit the disparity study to the governor
9 and the legislature [~~not later than August fifteenth, two thousand~~
10 ~~sixteen~~], and to post the study on the website of the department of
11 economic development.

12 § 5. Section 313 of the executive law, as amended by chapter 175 of
13 the laws of 2010, is amended to read as follows:

14 § 313. Opportunities for minority and women-owned business enter-
15 prises. 1. Goals and requirements for agencies and contractors. Each
16 agency shall structure procurement procedures for contracts made direct-
17 ly or indirectly to minority and women-owned business enterprises, in
18 accordance with the findings of the [~~two thousand ten~~] most recent
19 disparity study, consistent with the purposes of this article, to
20 attempt to achieve [~~the following results with regard to~~] total annual
21 statewide procurement[+]

22 ~~(a) construction industry for certified minority-owned business enter-~~
23 ~~prises: fourteen and thirty-four hundredths percent;~~

24 ~~(b) construction industry for certified women-owned business enter-~~
25 ~~prises: eight and forty-one hundredths percent;~~

26 ~~(c) construction-related professional services industry for certified~~
27 ~~minority-owned business enterprises: thirteen and twenty-one hundredths~~
28 ~~percent;~~

29 ~~(d) construction-related professional services industry for certified~~
30 ~~women-owned business enterprises: eleven and thirty-two hundredths~~
31 ~~percent;~~

32 ~~(e) non-construction-related services industry for certified minori-~~
33 ~~ty-owned business enterprises: nineteen and sixty hundredths percent;~~

34 ~~(f) non-construction-related services industry for certified women-~~
35 ~~owned business enterprises: seventeen and forty-four hundredths percent;~~

36 ~~(g) commodities industry for certified minority-owned business enter-~~
37 ~~prises: sixteen and eleven hundredths percent;~~

38 ~~(h) commodities industry for certified women-owned business enter-~~
39 ~~prises: ten and ninety-three hundredths percent;~~

40 ~~(i) overall agency total dollar value of procurement for certified~~
41 ~~minority-owned business enterprises: sixteen and fifty-three hundredths~~
42 ~~percent;~~

43 ~~(j) overall agency total dollar value of procurement for certified~~
44 ~~women-owned business enterprises: twelve and thirty-nine hundredths~~
45 ~~percent; and~~

46 ~~(k) overall agency total dollar value of procurement for certified~~
47 ~~minority, women-owned business enterprises: twenty-eight and ninety-two~~
48 ~~hundredths percent] goals as specified by the director.~~

49 1-a. The director shall ensure that each state agency has been
50 provided with [a] an electric copy of the [~~two thousand ten~~] most recent
51 disparity study.

52 1-b. Each agency shall develop and adopt agency-specific goals based
53 on the findings of the [~~two thousand ten~~] most recent disparity study.

54 2. The director shall promulgate rules and regulations [~~pursuant to~~]
55 based on the [goals established in subdivision one of this section]
56 findings of the most recent disparity study that provide measures and

electronic

MMY
2/1/19

S. 1508

132

A. 2008

1 8. In the event that a contracting agency fails or refuses to issue a
 2 waiver to a contractor as requested within twenty days after having made
 3 application therefor pursuant to subdivision six of this section or if
 4 the contracting agency denies such application, in whole or in part, the
 5 contractor may file a complaint with the director pursuant to section
 6 three hundred sixteen of this article setting forth the facts and
 7 circumstances giving rise to the contractor's complaint together with a
 8 demand for relief. The contractor shall serve a copy of such complaint
 9 upon the contracting agency by personal service or by certified mail,
 10 return receipt requested. The contracting agency shall be afforded an
 11 opportunity to respond to such complaint in writing.

12 9. If, after the review of a contractor's minority and ~~women-owned~~
 13 ~~women-owned~~ business utilization plan or review of a periodic compliance
 14 report and after such contractor has been afforded an opportunity to
 15 respond to a notice of deficiency issued by the contracting agency in
 16 connection therewith, it appears that a contractor is failing or refus-
 17 ing to comply with the minority and women-owned business participation
 18 requirements as set forth in the state contract and where no waiver from
 19 such requirements has been granted, the contracting agency may file a
 20 written complaint with the director pursuant to section three hundred
 21 sixteen of this article setting forth the facts and circumstances giving
 22 rise to the contracting agency's complaint together with a demand for
 23 relief. The contracting agency shall serve a copy of such complaint
 24 upon the contractor by personal service or by certified mail, return
 25 receipt requested. The contractor shall be afforded an opportunity to
 26 respond to such complaint in writing.

27 § 6. Section 314 of the executive law, as added by chapter 216 of the
 28 laws of 1988, subdivision 2-a as amended by chapter 175 of the laws of
 29 2010, subdivision 2-b as added by chapter 409 of the laws of 2018,
 30 subdivision 4 as amended and subdivision 5 as added by chapter 399 of
 31 the laws of 2014, is amended to read as follows:

32 § 314. Statewide certification program. 1. The director shall promul-
 33 gate rules and regulations providing for the establishment of a state-
 34 wide certification program including rules and regulations governing the
 35 approval, denial or revocation of any such certification including revo-
 36 cations for felony convictions for fraudulently misrepresenting the
 37 status of minority or women-owned business enterprises. Such rules shall
 38 set forth the maximum personal net worth of a minority group member or
 39 woman who may be relied upon to certify a business as a minority-owned
 40 business enterprise or women-owned business enterprise, and may estab-
 41 lish different maximum levels of personal net worth for minority group
 42 members and women on an industry-by-industry basis for such industries
 43 as the director shall determine. Such rules and regulations shall
 44 include, but not be limited to, such matters as may be required to
 45 ensure that the established procedures thereunder shall at least be in
 46 compliance with the code of fair procedure set forth in section seven-
 47 ty-three of the civil rights law and consistent with the provisions of
 48 article twenty-three of the correction law.

49 2. For the purposes of this article, the office shall be responsible
 50 for verifying businesses as being owned, operated, and controlled by
 51 minority group members or women and for certifying such verified busi-
 52 nesses. The director shall prepare a directory of certified businesses
 53 for use by contracting agencies and contractors in carrying out the
 54 provisions of this article. The director shall periodically update the
 55 directory.

S. 1508

134

A. 2008

MMS
2/1/19

1 (b) Such information provided pursuant to paragraph (a) of this subdi-
2 vision shall be kept confidential by the division in the same manner and
3 under the same condition as such information is kept by the department
4 of taxation and finance or the department of labor.

5 3. Following application for certification pursuant to this section,
6 the director shall provide the applicant with written notice of the
7 status of the application, including notice of any outstanding deficien-
8 cies [~~within thirty days~~]. Within [~~sixty~~] thirty days of submission of
9 a final completed application, the director shall provide the applicant
10 with written notice of a determination by the office approving or deny-
11 ing such certification and, in the event of a denial a statement setting
12 forth the reasons for such denial. Upon a determination denying or
13 revoking certification, the business enterprise for which certification
14 has been so denied or revoked shall, upon written request made within
15 thirty days from receipt of notice of such determination, be entitled to
16 a hearing before an independent hearing officer designated for such
17 purpose by the director. In the event that a request for a hearing is
18 not made within such thirty day period, such determination shall be
19 deemed to be final. The independent hearing officer shall conduct a
20 hearing and upon the conclusion of such hearing, issue a written recom-
21 mendation to the director to affirm, reverse or modify such determi-
22 nation of the director. Such written recommendation shall be issued to
23 the parties. The director, within thirty days, by order, must accept,
24 reject or modify such recommendation of the hearing officer and set
25 forth in writing the reasons therefor. The director shall serve a copy
26 of such order and reasons therefor upon the business enterprise by
27 personal service or by certified mail return receipt requested. The
28 order of the director shall be subject to review pursuant to article
29 seventy-eight of the civil practice law and rules.

30 4. The director may, after performing an availability analysis and
31 upon a finding that industry-specific factors coupled with personal net
32 worth or small business eligibility requirements pursuant to subdivi-
33 sions nineteen and twenty of section three hundred ten of this article,
34 respectively, have led to the significant exclusion of businesses owned
35 by minority group members or women in that industry, grant provisional
36 MWBE certification status to applicants from that designated industry,
37 provided, however, that all other eligibility requirements pursuant to
38 subdivision seven or fifteen of section three hundred ten of this arti-
39 cle, as applicable, are satisfied. Any industry-based determination made
40 under this section by the director shall be made widely available to the
41 public and posted on the division's website.

42 5. With the exception of provisional MWBE certification, as provided
43 for in subdivision twenty-three of section three hundred ten of this
44 article, all minority and women-owned business enterprise certifications
45 shall be valid for a period of [three] years. *Ave*

46 § 7. Section 315 of the executive law, as added by chapter 261 of the
47 laws of 1988, subdivision 3 as amended and subdivisions 4, 5, 6, and 7
48 as added by chapter 175 of the laws of 2010, is amended to read as
49 follows:

50 § 315. Responsibilities of contracting agencies. 1. Each contracting
51 agency shall be responsible for monitoring state contracts under its
52 jurisdiction, and recommending matters to the office respecting non-com-
53 pliance with the provisions of this article so that the office may take
54 such action as is appropriate to insure compliance with the provisions
55 of this article, the rules and regulations of the director issued here-
56 under and the contractual provisions required pursuant to this article.

insure

TED 149

1 ~~3. (a) The Triborough bridge and tunnel authority shall plan, design~~
 2 ~~and construct the congestion tolling infrastructure at points of vehicle~~
 3 ~~ingress to the congestion toll zone. The Triborough bridge and tunnel~~
 4 ~~authority may occupy the sidewalks, roadways, streets, highways, bridg-~~
 5 ~~es, tunnels, approaches or highways of the city of New York for the~~
 6 ~~purpose of doing any work over or under the same in connection with~~
 7 ~~installing, operating or maintaining the congestion tolling infrastruc-~~
 8 ~~ture without the consent of or payment to the city of New York. The city~~
 9 ~~of New York shall cooperate fully with the Triborough bridge and tunnel~~
 10 ~~authority in the planning, designing and constructing of the congestion~~
 11 ~~tolling infrastructure and shall not require that the Triborough bridge~~
 12 ~~and tunnel authority or any of its contractors to seek or obtain from~~
 13 ~~the city of New York any sidewalk or roadway construction activity~~
 14 ~~permit, license, or other approval in connection with installing, oper-~~
 15 ~~ating or maintaining the congestion tolling infrastructure.~~

INSERT B

16 (b) The Triborough bridge and tunnel authority shall plan, design,
 17 install, implement, and operate a congestion toll collection system to
 18 collect the congestion toll.

and maintain

19 (c) The Triborough bridge and tunnel authority shall plan, design,
 20 implement and operate a congestion toll customer service center.

21 (d) The congestion tolling collection system shall be planned,
 22 designed, implemented and operated to facilitate payment of congestion
 23 tolls by various methods including but not limited to cash, credit or
 24 debit card, check or automated clearing house payment, by telephone or
 25 over the internet or any other method of payment that the Triborough
 26 bridge or tunnel authority may implement.

27 (e) All procurements of goods, services or construction of any kind by
 28 the Triborough bridge and tunnel authority for the congestion tolling
 29 program shall be deemed to be subject only to the same requirements that
 30 otherwise apply to procurements by the Triborough bridge and tunnel
 31 authority.

32 4. The congestion tolling infrastructure, the congestion toll
 33 collection system and the congestion tolling customer service center
 34 shall be completed by the operation date.

35 5. Responsibility for maintenance of the congestion tolling infras-
 36 tructure after the operation date shall be performed by the Triborough
 37 bridge and tunnel authority.

38 6. The planning, designing, constructing, installing or maintaining of
 39 the congestion tolling program and the planning, designing, installing,
 40 operating or maintaining of the congestion toll collection system by the
 41 Triborough bridge and tunnel authority including the establishment by
 42 such authority of congestion tolls, and any other fees or rentals for
 43 the use of its projects and any changes thereafter shall not be subject
 44 to the provisions of article eight of the environmental conservation
 45 law, the provisions of chapter six of article forty-three or chapter
 46 five of title sixty-two of the rules of the city of New York, or the
 47 provisions of section one hundred ninety-seven-c of the New York city
 48 charter, relating to a uniform land use review procedure, nor the
 49 provisions of any other local law of the city of New York of like or
 50 similar effect including approvals or charges associated with the use of
 51 property owned and maintained by the city of New York necessary for the
 52 installation of congestion tolling infrastructure.

consistent with
 the determination
 of the mass
 transit expert
 panel established
 pursuant to
 § 1865-c of
 the public
 authorities law

53 § 1704-a. Congestion toll. 1. The Triborough bridge and tunnel author-
 54 ity shall have the power, subject to agreements with its bondholders, to
 55 charge tolls and fees for vehicles entering or remaining in the
 56 congestion tolling zone at any time, and shall have the power, subject to

which shall include a variable-
 pricing structure

1 agreements with bondholders, to make rules and regulations for the
 2 collection of congestion tolls and the establishment of fees. ~~For~~
 3 purposes of establishing a congestion tolling program, the Triborough
 4 bridge and tunnel authority shall, at minimum, ensure that annual reven-
 5 ues and fees collected under such program, less costs of operation of
 6 the same, provide for revenues into the congestion tolling fund, estab-
 7 lished pursuant to section twelve hundred seventy-j of the public
 8 authorities law, necessary to fund fifteen billion dollars for capital
 9 projects.

~~amend~~ ~~locks~~

10 2. No owner of a for-hire vehicle that is subject to a surcharge
 11 imposed by article twenty-nine-C of the tax law for a for-hire transpor-
 12 tation trip shall also be charged a congestion toll if it enters or
 13 remains in the congestion toll zone as part of such trip.

14 3. No owner of an emergency vehicle as defined pursuant to section one
 15 hundred one of this chapter shall be charged a congestion toll if it
 16 enters or remains in the congestion tolling zone.

17 4. Any vehicle entering the congestion tolling zone using a vehicular
 18 crossing known as the Queens Midtown Tunnel, the Hugh Carey Tunnel, the
 19 Holland Tunnel, the Lincoln Tunnel, or the Henry Hudson Bridge shall be
 20 credited an amount equal to the toll charged to such vehicle for the use
 21 of such crossing immediately prior to entry into such zone from the
 22 amount of the congestion toll charged to such vehicle for purposes of
 23 entering the congestion tolling zone.

24 § 1705. Disposition of revenue and penalties. The Triborough bridge
 25 and tunnel authority shall ~~establish and~~ collect congestion tolls and
 26 fees and other charges as provided in subdivision twelve-a of section
 27 five hundred fifty-three of the public authorities law.

establish and
collect

28 § 1706. Reporting. Beginning one year after the operation date and
 29 every two years thereafter, the Triborough bridge and tunnel authority
 30 and the metropolitan transportation authority shall report on the effect
 31 of the congestion tolling program on congestion in the congestion zone
 32 and on mass transit use including the vehicle-miles traveled for each
 33 trip within the congestion tolling zone for taxis and for-hire vehicles;
 34 the volume and type of vehicles entering the congestion tolling zone;
 35 and transit ridership and average bus speeds within the congestion toll-
 36 ing zone, and on all receipts and expenditures relating to the
 37 congestion tolling program. The department of transportation of the city
 38 of New York shall be required to assist in gathering and providing to
 39 the Triborough bridge and tunnel authority congestion data and other
 40 related data as directed by the Triborough bridge and tunnel authority
 41 for purposes of compiling such report. The report shall be readily
 42 available to the public, and shall be posted on the authority's website
 43 and be submitted to the governor, the director of the budget, the tempo-
 44 rary president of the senate, the speaker of the assembly, the mayor and
 45 council speaker of the city of New York, and the metropolitan transpor-
 46 tation authority capital program review board.

47 § 2. Subdivision 1 of section 402 of the vehicle and traffic law is
 48 amended by adding a new paragraph (c) to read as follows:

49 (c) It shall be unlawful for any person to operate, drive or park a
 50 motor vehicle on a toll highway, bridge and/or tunnel facility or enter
 51 a congestion tolling zone, under the jurisdiction of the tolling author-
 52 ity, if such number plate is not easily readable, nor shall any number
 53 plate be covered by glass or any plastic material, and shall not be
 54 knowingly covered or coated with any artificial or synthetic material or
 55 substance that conceals or obscures such number plates or that distorts
 56 a recorded or photographic image of such number plates, and the view of

1 such number plates shall not be obstructed by any part of the vehicle or
2 by anything carried thereon, except for a receiver-transmitter issued by
3 a publicly owned tolling facility in connection with electronic toll
4 collection when such receiver-transmitter is affixed to the exterior of
5 a vehicle in accordance with mounting instructions provided by the toll-
6 ing facility. For purposes of this paragraph, "tolling authority" shall
7 mean every public authority which operates a toll highway, bridge and/or
8 tunnel facility or which charges and collects congestion tolls as well
9 as the port authority of New York and New Jersey, a bi-state agency
10 created by compact set forth in chapter one hundred fifty-four of the
11 laws of nineteen hundred twenty-one, as amended.

12 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as
13 amended by chapter 61 of the laws of 1989 and as renumbered by chapter
14 648 of the laws of 2006, is amended to read as follows:

15 8. The violation of this section shall be punishable by a fine of not
16 less than twenty-five nor more than two hundred dollars except for
17 violations of paragraph (c) of subdivision one of this section which
18 shall be punishable by a fine of not less than one hundred nor more than
19 five hundred dollars.

20 § 4. Subdivision 4 of section 1630 of the vehicle and traffic law is
21 amended to read as follows:

22 4. Charging of tolls, taxes, fees, licenses or permits for the use of
23 the highway or any of its parts or entry into or remaining within the
24 congestion tolling zone established by article forty-four-C of this
25 chapter, where the imposition thereof is authorized by law.

26 § 5. Subdivision 9 of section 553 of the public authorities law is
27 amended by adding a new paragraph (s) to read as follows:

28 (s) The congestion tolling program to the extent specified in article
29 forty-four-C of the vehicle and traffic law and in this title, and as
30 directed by the metropolitan transportation authority.

31 § 6. Section 553 of the public authorities law is amended by adding a
32 new subdivision 12-a to read as follows:

33 12-a. To charge tolls and fees for vehicles entering or remaining
34 within the congestion tolling zone and to make rules and regulations for
35 the collection of such tolls and fees, subject to and in accordance with
36 such agreement with bondholders as may be made as hereinafter provided.
37 Subject to contracts with bondholders, all tolls, fees and other reven-
38 ues derived from the congestion tolling program shall be applied to the
39 payment of operating, administration, and other necessary expenses of
40 the authority properly allocable to such program and thereafter to the
41 payment of interest or principal of bonds for such program and if not so
42 used all remaining congestion tolling funds shall be transferred to the
43 metropolitan transportation authority and deposited into the fund estab-
44 lished by section twelve hundred seventy-j of this chapter and shall not
45 be subject to distribution under section five hundred sixty-nine-c or
46 section twelve hundred nineteen-a of this chapter.

47 § 7. The public authorities law is amended by adding a new section
48 1270-j to read as follows:

49 § 1270-j. Congestion tolling fund. 1. The authority shall establish a
50 fund to be known as the congestion tolling fund which shall be kept
51 separate from and shall not be commingled with any other moneys of the
52 authority. The fund shall consist of all moneys transferred to the
53 authority by the Triborough bridge and tunnel authority pursuant to
54 article forty-four-C of the vehicle and traffic law and subdivision
55 twelve-a of section five hundred fifty-three of this chapter.



TEB 15a

1 2. Moneys in the fund may be pledged by the authority to secure bonds,
 2 notes or other obligations of the authority and related reserves, fees,
 3 costs and expenses, for any metropolitan transportation authority capi-
 4 tal projects included within the 2020 to 2024 MTA capital program or any
 5 successor programs. Subject to the provisions of any such pledge, or in
 6 the event there is no such pledge, any moneys in the congestion tolling
 7 fund may be used by the authority for payment of capital costs, includ-
 8 ing debt service and reserve requirements, if any, for any metropolitan
 9 transportation authority capital projects included within the 2020 to
 10 2024 MTA capital program or any successor programs. Such revenues shall
 11 only supplement and shall not supplant any federal, state, or local
 12 funds expended by the metropolitan transportation authority, such
 13 authority's affiliates or subsidiaries for such respective purposes.

Penal 15:507a
 The metropolitan
 transportation
 authority
 shall be
 allowed to
 use the
 congestion
 tolling
 fund
 to make
 payments
 for any
 non-capital
 costs.

14 3. The authority shall report annually on all receipts and expendi-
 15 tures of the fund. The report shall detail operating expenses of the
 16 congestion tolling program and all fund expenditures including capital
 17 projects. The report shall be readily available to the public, and shall
 18 be posted on the authority's website and be submitted to the governor,
 19 the temporary president of the senate, the speaker of the assembly, the
 20 mayor and council of the city of New York, and the metropolitan trans-
 21 portation authority capital program review board.

22 § 8. Subdivision 3 of section 165.15 of the penal law is amended to
 23 read as follows:

24 3. With intent to obtain railroad, subway, bus, air, taxi or any other
 25 public transportation service or use of any highway, parkway, road,
 26 bridge or tunnel or enter a congestion tolling zone without payment of
 27 the lawful charge or toll therefor, or to avoid payment of the lawful
 28 charge or toll for such transportation service which has been rendered
 29 to him or for such use of any highway, parkway, road, bridge or tunnel
 30 or entry into a congestion tolling zone, he obtains or attempts to
 31 obtain such service, use or entry or avoids or attempts to avoid payment
 32 therefor by force, intimidation, stealth, deception or mechanical
 33 tampering, or by unjustifiable failure or refusal to pay; or

34 § 9. Subdivision 2 of section 87 of the public officers law is amended
 35 by adding a new paragraph (p) to read as follows:

36 (p) are data or images produced by an electronic toll collection
 37 system under authority of article forty-four-C of the vehicle and traf-
 38 fic law and in title three of article three of the public authorities
 39 law.

40 § 10. Severability clause. If any clause, sentence, paragraph, subdi-
 41 vision, section or part of this act shall be adjudged by a court of
 42 competent jurisdiction to be invalid, such judgment shall not affect,
 43 impair, or invalidate the remainder thereof, but shall be confined in
 44 its operation to the clause, sentence, paragraph, subdivision, section
 45 or part thereof directly involved in the controversy in which such judg-
 46 ment shall have been rendered. It is hereby declared to be the intent of
 47 the legislature that this act would have been enacted even if such
 48 invalid provision had not been included herein.

49 § 11. This act shall take effect immediately.

INSERT
A

50

PART CC

51 Section 1. Paragraph 1 of subdivision (a) of section 1180-b of the
 52 vehicle and traffic law, as amended by chapter 43 of the laws of 2014,
 53 is amended to read as follows:

1 revived and shall be deemed to have been in full force and effect on and
2 after July 25, 2018; and

3 (b) section 1180-b of the vehicle and traffic law, as amended by
4 sections two, three, four and eight of this act, is hereby revived and
5 shall be deemed to have been in full force and effect on and after
6 August 30, 2018.

7 § 10. This act shall take effect immediately; provided that the amend-
8 ments to section 1180-b of the vehicle and traffic law made by sections
9 one, two, three, four and eight of this act shall not affect the repeal
10 of such section and shall be deemed repealed therewith; and provided
11 further that the amendments to paragraph 2 of subdivision (a) of section
12 1180-b of the vehicle and traffic law made by section two of this act
13 shall take effect on the ninetieth day after it shall have become a law.

14 Legislature PART DD

15 Section 1. Short title. This act shall be known and may be cited as
16 the "Gateway Development Commission Act".

17 § 2. Gateway Development Commission. 1. Legislative findings and
18 intent. The Legislature finds and declares that the States of New

re State 19 Jersey and New York and their respective citizens share a common concern State

20 to preserve the functionality and strengthen the resiliency of long-dis-
21 tance and commuter rail infrastructure between New Jersey and New York,
22 including passenger rail infrastructure owned, controlled, or utilized by
23 the National Railroad Passenger Corporation, also known as "Amtrak";
24 that the two states and their respective citizens share the benefits of

25 existing interstate passenger rail infrastructure between the two Tunnel
26 states, including the existing North River Tunnel; that interstate

27 passenger rail service and infrastructure is vital to the economies of
28 New Jersey and New York; that because of the passage of time and damage

29 caused by natural disasters, both states recognize the existing inter-
30 state passenger rail infrastructure, including the existing North River Tunnel
31 Tunnel, is at risk of system failures that could result in prolonged

32 service disruptions that would severely damage the economies of the two
33 states and many other participants in the economy of the Northeast

34 Corridor; that both states recognize the urgent need to undertake Northeast
35 projects necessary to create passenger rail capacity under the Hudson

36 River, rehabilitate passenger rail infrastructure, maintain current
37 levels of long-distance and commuter rail service between the two states

38 and provide additional reliability, safety and security; that the citi-
39 zens of both states will share the benefits of expanded capacity and

40 rehabilitated passenger rail infrastructure between the two states; and
41 that there has been a long history of cooperation among state and local

42 governmental entities, Amtrak, and various private organizations and
43 individuals in the two states to ensure the preservation of a variety of
44 passenger rail service options. The legislature therefore determines

45 that there is a need to endorse and formalize that bi-state cooperative
46 effort to help ensure that the functionality of long-distance and commu-
47 ter rail infrastructure between New Jersey and New York and thence

48 throughout the Northeast Corridor, is preserved and maintained for the
49 benefit of the economy of New Jersey and New York and for the well-being

50 of present and future generations of citizens in both states; and that
51 the creation of a bi-state commission that shall be a body corporate and

52 politic established by the States of New Jersey and New York, acting in the State of
53 the public interest and exercising essential governmental functions, is

54 an appropriate means to accomplish these very important goals. It is the

and is not intended to impair, limit, diminish, or otherwise affect any right, power, or jurisdiction of the United States of America or any department, branch, agency, county, bureau, or other instrumentality thereof with respect to any matter, or grant or confer any right or power on such bi-state commission, or on

1 intention of the legislature that the commission so created constitute
 2 an institution which has been established by the states to effectuate a
 3 public purpose and is therefore eligible to apply for transportation
 4 assistance from the United States government, including the agencies
 5 thereof.

Financial

6 2. Definitions. Except where different meanings are expressly speci-
 7 fied in subsequent provisions of this section, the following terms shall
 8 have the following meanings:

means

9 (a) "Act" shall mean the Gateway Development Commission act.

10 (b) "Amtrak" shall mean National Railroad Passenger Corporation, a
 11 corporation organized under 49 U.S.C. § 24101 et. Seq. and the laws of
 12 the District of Columbia.

means

13 (c) "Board" means the board of commissioners of the commission.

14 (d) "Commission" shall mean the gateway development commission which
 15 is established pursuant to this act.

means

16 (e) "Facilitate" shall mean the planning, designing, financing, acqui-
 17 sition, development, redevelopment, expansion, construction, recon-
 18 struction, replacement, lease, leaseback, licensing, asset management,
 19 optimization, rehabilitation, repair, alteration, improvement, exten-
 20 sion, management, ownership, use, and effectuation of the matters
 21 described in this act. "Facilitation" shall have a concomitant meaning.

approval of the

co-signing

22 (f) "Full funding" shall mean the date on which the sum of commitments
 23 to fund, from sources deemed by the commission to be creditworthy, plus
 24 commission cash-on-hand, plus any institution of a tariff or an agree-
 25 ment to impose user fees not subject to further approvals (if any), plus
 26 such other sources of funding deemed certain to be available as and when
 27 required, by the commission as at the date first so considered, is
 28 sufficient to facilitate the project.

means

commission

to be

29 (g) "Meeting" means any gathering, whether corporeal or by means of
 30 communication equipment, which is attended by, or open to, the board
 31 held with the intent, on the part of the commissioners present, to act
 32 as a unit upon the specific public business of the commission. "Meeting"
 33 does not mean a gathering (i) attended by less than a quorum of commis-
 34 sioners; (ii) in which the board is engaged in ordinary course super-
 35 vision of commission staff; (iii) in which consideration of commission
 36 business matters are informally discussed without the intent or effect
 37 of effectuating any action of the commission; or (iv) attended by or
 38 open to all the members of three or more similar public bodies at a
 39 convention or similar gathering.

long discreet component

which is beneficial to public

means

40 (h) "Project" shall mean the facilitation of a passenger rail trans-
 41 portation project between Penn Station, Newark, New Jersey and Penn
 42 Station, New York, New York currently referred to as the "Gateway
 43 Program".

44 (i) "Public business" means matters which relate in any way, directly
 45 or indirectly, to the performance of the functions of the commission or
 46 the conduct of its business.

47 3. Creation of the Commission; purposes. There is hereby created the
 48 Gateway Development Commission, a body corporate and politic established
 49 by the states of New Jersey and New York, which shall be deemed to be
 50 acting in the public interest and exercising essential government func-
 51 tions in taking action hereunder and which shall be a public authority
 52 and a government sponsored authority. The purposes of the commission
 53 shall include the following:

the State

commission

54 (a) facilitate the project;

55 (b) coordinate activities of governmental entities, Amtrak, and private
 56 entities providing assistance to the project or otherwise regulating the

Funding Commission

found commission

board commission

commission

commission

commission State

facilitate commission

any local

Project

State

Initiation

State

Project

government thereof, the State of

Project

any local government thereof, the State of

Commission

to assist federal on state agency and other entity to fulfill their goals set forth Federal law or laws of New York or New Jersey

Further passenger rail transportation between the state including 49 US \$2490, et seq

The State of Commission Transportation Directors

Project

Project

Project

Project

Commission

Transit Corporation

State

Department

Board

1 [Project] with a view to achieving full funding, and encourage and enable
 2 such parties to participate in the effectuation of the [Project];
 3 (c) act as a coordinating agency to arrange for cooperation among the
 4 federal government, the [States] of New Jersey [and] New York, any local
 5 government thereof, any agency, instrumentality, department, commission,
 6 or authority of any one or more of the foregoing, any bi-state agency,
 7 Amtrak, any individual or private firm, entity or corporation, or with
 8 any one or more of them (including by contract among the parties), for
 9 and in connection with the [facilitation] of the [Project] for any of the
 10 purposes of this act, and to enter into an agreement or agreements (and
 11 from time to time to enter into agreements amending or supplementing the
 12 same) with the federal government, the [States] of New Jersey [and] New
 13 York, any local government thereof, any agency, instrumentality, depart-
 14 ment, commission, or authority of any one or more of the foregoing, any
 15 bi-state agency, Amtrak, any individual or private firm, entity or
 16 corporation, or with any one or more of them, for or relating to such
 17 purposes, including but not limited to agreements with respect to finan-
 18 cial assistance, loans, grants or any other funding as may be available
 19 for the [Project]. The [Commission] is hereby intended to qualify for,
 20 authorized, and empowered to apply for and accept, financial assistance,
 21 loans, grants, or any other funding for such purposes under federal,
 22 state, or local laws, and to make application directly to the appropriate
 23 officials or agencies for the application for and receipt of federal,
 24 state or local assistance, loans, grants or any other funding in aid of
 25 any of the purposes of this act;
 26 (d) pursue efforts [with Amtrak and other third parties to: (i)
 27 achieve greater coordination between intercity and commuter rail passen-
 28 ger transportation; (ii) identify sources of funding to share the cost
 29 of providing rail passenger transportation developed in connection with
 30 the project, including the cost of operating facilities; and (iii) carry
 31 out strategies to achieve safe and efficient intercity and commuter rail
 32 passenger transportation];
 33 (e) take any and all actions authorized by this act which are or may
 34 be necessary or appropriate to constitute and maintain itself as an
 35 applicant eligible to qualify to apply for and be awarded financial
 36 assistance, loans, grants or other funding as may be available for the
 37 [Project], including that awarded by federal, state, and local governments
 38 and the agencies thereof; and
 39 (f) facilitate the [Project] by making and enforcing such rules and
 40 regulations and establishing, levying and collecting such tolls, fees,
 41 rates, charges and rentals in connection with the [Project] or any portion
 42 thereof, as it may deem necessary or appropriate, which said tolls,
 43 fees, rates, charges and rentals shall not be established at rates
 44 intended to be greater than necessary to meet the expenses of the
 45 financing, construction, asset management and optimization thereof, and
 46 to provide for the payment of, with interest upon, and the amortization
 47 and retirement of bonds or other securities or obligations issued or
 48 incurred for [Project] purposes, including establishment of prudent
 49 reserves, and provided that such tolls, fees, rates, charges and rentals
 50 do not conflict with applicable federal law and the laws of the [States]
 51 of New Jersey and New York.

52 4. Board of commissioners. (a) The [Commission] shall act through a
 53 vote of its three commissioners: one of which will be directly appointed
 54 by the [Commissioner] of the New York [State] Department of Transportation;
 55 one of which will be directly appointed by the board of [Directors] of the
 56 New Jersey [Transit Corporation]; and one of which will be directly

TED 159

1 appointed by Amtrak. The commissioner appointed by Amtrak will serve to
2 represent Amtrak's interest, as owner-operator or user of the [Northeast
3 Corridor] in the work to be undertaken by the [Commission].

for a period
three years
beginning on
effective date
of this act.

4 (b) The [Commission's] initial commissioners shall be the individuals
5 serving as trustees of the Gateway Program Development Corporation, a
6 New Jersey non-profit corporation, at the time of the effective date of
7 this act. The Gateway Program Development Corporation trustees
8 [appointed by New Jersey and New York] shall each serve an initial term as
9 commissioners of the [Commission] expiring on December 31, 2019. The Gate-
10 way Program Development Corporation trustee appointed by Amtrak shall
11 serve an initial term as commissioner of the commission expiring on
12 December 31, 2021. Aside from the commission's initial commissioners,
13 all other [commissioners] shall serve for a term of three years.

Following this
initial term

14 (c) At the conclusion of a commissioner's term (including an initial
15 commissioner's term, the commissioner may be reappointed for a succes-
16 sive three year term at the pleasure of the party who originally
17 appointed that commissioner, or in the case of the initial commis-
18 sioners, the party who originally appointed that individual as a trustee of
19 the Gateway Program Development Corporation). A commissioner shall auto-
20 matically continue to serve following the expiration of [his] term until a
21 successor is appointed in accordance with paragraph (a) of this subdivi-
22 sion and seated.

The Commission

23 (d) In the event that a commissioner ceases to serve before the stated
24 expiration of [his] term, the party that originally appointed the commis-
25 sioner may appoint a replacement to serve out the remainder of the
26 replaced commissioner's term and thereafter, the vacancy shall be filled
27 as provided for in paragraph (a) of this subdivision.

28 (e) Commissioners shall serve without compensation, but the [Commission]
29 may, within the limits of funds appropriated or otherwise made available
30 to it, reimburse commissioners for actual expenses necessarily incurred
31 in the discharge of their official duties.

Commission

32 (f) The commissioner from the [State] of New Jersey and the commissioner
33 from [State] of New York shall be indemnified by the [State] of New Jersey
34 and the [State] of New York, respectively, to the same extent as such
35 state indemnifies a public officer for any claim or judgment arising out
36 of such public officer's official duties.

State
State

37 5. Organization of the [Commission] meetings. (a) The commissioners
38 shall select a chairperson. The chairperson shall be elected from the
39 representatives of New Jersey and New York, and shall hold office for
40 one year. The initial chairperson shall be the commissioner who was
41 serving as chairperson of the board of trustees of the Gateway Program
42 Development Corporation whose term as chairperson shall continue until
43 the earlier to occur of (i) the date on which such commissioner's term
44 as the Gateway Program Development Corporation chairperson would have
45 expired; or (ii) the date on which that commissioner is otherwise termi-
46 nated as a commissioner. Thereafter, the commissioner appointed by the
47 state which did not appoint the initial chairperson shall succeed as
48 chairperson. The chairpersonship shall be alternated between the two
49 states. The commissioner appointed by Amtrak shall serve as vice-chair-
50 person.

and each
Chairperson
Following the
initial chairperson
shall serve as
Chairperson for
a term of a
Year

51 (b) The [Commission] shall meet regularly as it may determine. Meetings
52 of the [Commission] shall be held at such times and places as the chair-
53 person of the [Commission] deems appropriate, but to the maximum extent
54 practicable and feasible, meetings shall be held on an alternating basis
55 in New Jersey and New York.

TEN 160

1 (c) The powers of the Commission may be exercised by the commissioners
 2 at a meeting duly called and held where a quorum of all three commis-
 3 sioners are present; provided, however, that in the event a vacancy
 4 remains for ninety days, the powers of the Commission may be exercised
 5 by the commissioners at a meeting duly called and held where all remain-
 6 ing commissioners are present. Action may be taken and motions and
 7 resolutions adopted by the Commission at any meeting thereof by unani-
 8 mous affirmative vote of the commissioners. The commissioners shall
 9 adopt bylaws providing for attendance protocols, voting procedures, and
 10 other matters related to the conduct of the business of the Commission.

Commission
 Commission
 Commission

11 (d) The commission may request the assistance and services of such
 12 employees and agents as it may require and as may be made available to
 13 it for the purpose of carrying out its duties under this act, which
 14 agents may include private consultants and persons employed by or acting
 15 as a consultant for the federal government, the States of New Jersey, and
 16 New York, or any local government thereof, any agency, instrumentality,
 17 department, commission or authority of any one or more of the foregoing,
 18 any bi-state agency, or of Amtrak, and each such government and enumer-
 19 ated party is authorized to provide any such assistance and services to
 20 the Commission.

any local
 government thereof
 the State of

21 (e) The Commission may, within the limits of funds appropriated or
 22 otherwise made available to it for those purposes, employ such profes-
 23 sional, technical, clerical staff and consultants and incur such
 24 expenses as it may deem necessary or appropriate in order to perform its
 25 duties.

26 (f) The legislature finds and declares that the right of the public to
 27 be present at meetings of the Commission, and to witness the deliber-
 28 ation, policy formulation, and decision making of the Commission, is
 29 vital to the enhancement and proper functioning of the democratic proc-
 30 ess, and that secrecy in public affairs undermines the faith of the
 31 public in government and the public's effectiveness in fulfilling its
 32 role in a democratic society; and declares it to be the public policy of
 33 this state to ensure the right of its citizens to have adequate advance
 34 notice of and the right to attend all meetings of the Commission at
 35 which any public business is acted upon in any way, except only in those
 36 circumstances where the public interest would be clearly endangered, the
 37 relevant matters are made confidential by federal or state law, or the
 38 personal privacy of individuals would be clearly in danger of unwar-
 39 ranted invasion.

Commission
 The state of
 New Jersey and
 the State of
 New York

40 (g) The Commission shall adopt and promulgate appropriate bylaws,
 41 rules and regulations concerning the right of the public to be present
 42 at meetings of the Commission and to obtain records of the Commission's
 43 activities or public business. Any rules or regulations adopted here-
 44 under shall become a part of the minutes of the Commission and be posted
 45 on its website.

Commission
 Commission
 Commission

46 6. Duties of the Commission: The duties of the Commission shall be to
 47 use its efforts to accomplish, at such times as it is appropriate to do
 48 so, the following actions, provided that the Commission shall not be in
 49 dereliction of its duties so long as it acts in good faith to accomplish
 50 such:

51 (a) Make appropriate application for, and act as a coordinating,
 52 distributing, or recipient agency for, federal, state, or private fund-
 53 ing and authorizations necessary or appropriate to facilitate the
 54 project;

Facilitate

55 (b) Cooperate with other agencies or authorities or departments
 56 (federal, state, local, and bi-state), Amtrak, and private parties to

Project

TED 161

will state
project
adopt
expend
dissect
commission
make
will state
commission
commission
make
will state
venue
position
property
will state
commission

Full Funding

Commission

prudently

Project

Governor of the State of New Jersey, the President of the Senate of the State of New Jersey, the Speaker of the General Assembly of the State of New Jersey, the Governor of the State of New York, the President of the Senate of the State of New York, and the Speaker of the Assembly of the State of New York

of the State of New Jersey, the Speaker of the General Assembly of the State of New Jersey, the Governor of the State of New York, the President of the Senate of the State of New York, and the Speaker of the Assembly of the State of New York

New Jersey, the Speaker of the General Assembly of the State of New Jersey, the Governor of the State of New Jersey, the Governor of the State of New York, the President of the Senate of the State of New York, and the Speaker of the Assembly of the State of New York

of the State of New Jersey, the Governor of the State of New Jersey, the Governor of the State of New York, the President of the Senate of the State of New York, and the Speaker of the Assembly of the State of New York

State of New York, the President of the Senate of the State of New York, and the Speaker of the Assembly of the State of New York

Senate of the State of New York, and the Speaker of the Assembly of the State of New York

Speaker of the Assembly of the State of New York

Assembly of the State of New York

Project

1 Facilitate the Project, including entering into agreements specifying a
 2 party's rights and obligations with respect to the Project, to create a
 3 Project capable of achieving long-term stability and full funding with-
 4 out obligating the full faith and credit of the federal government,
 5 either state or any local government thereof, or any other party, except
 6 as explicitly authorized by any party empowered by law to do so;
 7 (c) Adopt bylaws to govern the conduct of its affairs, and adopt rules
 8 and regulations, including a conflict of interest policy and code of
 9 ethics for commissioners and officers of the Commission, and make appro-
 10 priate orders to carry out and discharge its powers, duties, and func-
 11 tions;
 12 (d) Expend such funds as are required to effectuate the purposes set
 13 forth above and, until expenditure is required, to hold and invest funds
 14 as a prudent fiduciary under the laws of the state;
 15 (e) Recommend appropriate federal, state, and local government legis-
 16 lation and agency administrative action pertaining to the Project;
 17 (f) Within 18 months of the date the commission organizes and not less
 18 than annually thereafter, prepare a progress report on its activities,
 19 and submit it, together with any recommendations for state or local
 20 government legislation or agency administrative action to the governor,
 21 the temporary president of the senate and the speaker of the assembly;
 22 and
 23 (g) Take such other action as may be necessary or appropriate to
 24 further the purposes of this act.
 25 7. Powers of the commission. The commission shall have the power to
 26 undertake the following:
 27 (a) Facilitate the project, including, but not limited to, through
 28 contracts and agreements and other documents and instruments which the
 29 Commission is otherwise authorized to make, enter into, execute, and
 30 deliver; provided, however, that the Commission shall not have the
 31 authority to operate or directly engage in transportation services such
 32 that the Commission would be subject to the jurisdiction of the federal
 33 surface transportation Board;
 34 (b) Sue and be sued in its own name in federal and state courts in
 35 Mercer County, New Jersey and New York county, New York, it being under-
 36 stood that the commissioners shall have no obligation or liability for
 37 the acts or omissions of the commission;
 38 (c) Accept, receive, disburse, encumber and expend funds from whatever
 39 source derived, including, without limitation, federal assistance, grants and
 40 grants and loans; state and local government assistance, grants and
 41 loans; single state or bi-state agency assistance, grants and loans;
 42 private sources, grants and loans; and Amtrak grants and loans; in each
 43 case as may be necessary to accomplish any lawful purpose which the
 44 commissioners determine will facilitate the Project and achieve long-
 45 term stability and full funding;
 46 (d) Acquire (including, without limitation, by gift, purchase,
 47 exchange or condemnation in accordance with the requirements of this
 48 act), subdivide, lease, license, take and hold property of every
 49 description and to manage such property and develop any undeveloped
 50 property owned, leased or controlled by it in a manner necessary or
 51 appropriate to facilitate the Project;
 52 (e) Make, procure, enter into, execute and deliver contracts and
 53 agreements and other documents and instruments as may be necessary or
 54 appropriate to carry out any power of the Commission under this act and
 55 to otherwise accomplish any lawful purpose which the commissioners
 56 determine will facilitate the Project, including, without limitation,

Make

Facilitate

Project

Commission

470 TED 162

1 with the federal government, the ~~States~~ of New Jersey ~~and~~ New York, ~~with~~
2 any local government thereof, with any agency, instrumentality, depart-
3 ment, commission or authority of any one or more of the foregoing, any
4 bi-state agency, Amtrak, any individual or private firm, entity or
5 corporation, or with any one or more of them;

any local government thereof, the State of

6 (f) ~~Make~~ applications for and accept funding, permits, authorizations
7 and approvals as may be necessary or appropriate to accomplish any
8 lawful purpose which the commissioners determine will ~~Facilitate~~ the
9 project, including, without limitation, with the federal government, the
10 ~~States~~ of New Jersey ~~and~~ New York, ~~with~~ any local government thereof,
11 with any agency, instrumentality, department, commission or authority of
12 any one or more of the foregoing, any bi-state agency, Amtrak, any indi-
13 vidual or private firm, entity or corporation, or with any one or more
14 of them;

Facilitate any local government thereof, the State of

15 (g) ~~Grant~~ public and private entities the use of the ~~Project~~ or a
16 portion thereof by way of franchise, ~~license, lease, or otherwise,~~
17 provide for payments to and accept payments from such entities in
18 exchange for value received from such use, work or services performed or
19 otherwise and to establish or agree with ~~Project~~ users on tolls, fees,
20 rates, charges, revenue sharing, and rentals for the use thereof,
21 provided that such tolls, fees, rates, charges, revenue sharing, and
22 rentals do not conflict with applicable federal law and the laws of the
23 ~~States~~ of New Jersey and New York, and provided further that the ~~Commis-~~
24 ~~sion~~ shall not have the authority to set passenger fares for Amtrak or
25 any publicly owned and operated passenger service utilizing the ~~Project~~;

Project or a concession, Project

26 (h) ~~Adopt~~ its own public procurement rules and guidelines that the
27 ~~Commission~~ deems necessary or appropriate to ~~Facilitate~~ the ~~Project~~
28 through any combination of means and methods otherwise available to the
29 ~~Commission~~ under this act, regardless of whether such combination is
30 generally available to the ~~States~~ of New Jersey ~~and~~ New York, any local
31 government thereof, any agency, instrumentality, department, commission
32 or authority of any one or more of the foregoing, or any bi-state agen-
33 cy, and engage and contract with third parties in accordance with such
34 procurement rules and guidelines;

Commission, Project, Facilitate Project, any local government thereof, the State of

35 (i) ~~Dispose~~ of, convey or transfer all or any portion of the ~~Project~~
36 for value as may be expeditious for the ~~Facilitation of the Project,~~ so
37 long as it has determined that the transferee has or is provided with a
38 sufficient source of financing to acquire, operate, maintain and own the
39 ~~Project~~;

Project, Facilitate Project

40 (j) ~~Issue~~ and guarantee bonds, notes, or other evidence of indebt-
41 edness, enter into loan agreements and otherwise borrow funds, or incur
42 indebtedness or other future payment obligations for any corporate
43 purpose, including to effectuate ~~Full Funding,~~ and to assign, pledge,
44 mortgage, secure, encumber and use its funds, assets, ~~Property,~~ and
45 revenues for repayment thereof, to be payable out of the funds, assets,
46 properties, and revenues of the ~~Commission~~ without recourse to taxation,
47 provided that the ~~Commission~~ shall have no power to pledge the full
48 faith and credit of the federal government, ~~either state or any local~~
49 ~~government thereof,~~ or of Amtrak or the Port Authority of New York and
50 New Jersey in connection with the ~~Project,~~ or to impose any obligation
51 for payment of the bonds upon the federal government, ~~either state or~~
52 ~~any local government thereof,~~ or of Amtrak or the Port Authority of New
53 York and New Jersey, in each case except as set forth in a binding
54 agreement, or to otherwise commit any party to incur any liability in
55 excess of its contractual obligations in connection with the ~~Project,~~
56 and provided further that neither the commissioners nor any person

Properties, Commission, the State of New Jersey, any local government thereof, the State of New York, any local government thereof,

the State of New Jersey, any local government thereof, the State of New York, any local government thereof

TED 163

1 executing any bonds issued or guaranteed by the Commission shall be
2 liable personally on such bonds or be subject to any personal liability
3 or accountability by reason of the issuance thereof;

Project

change
commission
appoint

4 (k) ~~Acquire~~ and hold securities for investment purposes or in
5 connection with the ~~facilitation~~ of the ~~Project~~

stain
commission

6 (l) ~~Appoint~~, employ, contract with, and compensate such officers,
7 employees and agents, including engineers, attorneys, consultants,
8 financial advisors, and such other persons or entities as the business of
9 the ~~Commission~~ may require and to engage and dismiss such officers,
10 employees, and agents at will, and fix and provide for the qualification,
11 appointment, removal, term, tenure, compensation, pension, and retirement
12 rights of its officers and employees;

Commission

stain
commission

13 (m) ~~Obtain~~ insurance as the ~~Commission~~ may deem advisable and to
14 create a captive insurer to self-insure risk as deemed appropriate by
15 the ~~Commission~~;

the State of New Jersey, any local government thereof;

stain

16 (n) ~~Cooperate~~ with the federal government, ~~the states of New Jersey~~
17 and New York, with any local government thereof, with any agency,
18 instrumentality, department, commission or authority of any one or more
19 of the foregoing, any bi-state agency, Amtrak, any individual or private
20 firm, entity or corporation, or with any one or more of them, in
21 connection with the ~~Project~~, and to enter into an agreement or agree-

the State of New Jersey, any local government thereof;

the State of New York, any local government thereof;

stain
demand
stabilize

22 ments, notwithstanding any other provision of law of the states, gener-
23 al, special, charter or local, with the federal government, with ~~the~~
24 ~~states of New Jersey and New York, with any local government thereof,~~
25 with any agency, instrumentality, department, commission, or authority of
26 any one or more of the foregoing, any bi-state agency, Amtrak, any indi-
27 vidual or private firm, entity, or corporation, or with any one or more
28 of the same for or relating to the ~~Project~~;

the State of New Jersey, any local government thereof;

the State of New York, any local government thereof;

stain
utilize

29 (o) ~~Indemnify~~ individuals and entities to the extent required to
30 facilitate the project;

the State of New York, any local government thereof;

stain
exercise

31 (p) ~~Establish~~ or acquire subsidiaries as required to ~~facilitate~~ the
32 ~~Project~~;

the State of New York, any local government thereof;

33 (q) ~~Utilize~~ the existing labor force in the states and foster labor
34 harmony in allowing for adoption of efficient labor work rules and prac-
35 tices during construction of the ~~Project~~; and

Facilitate Project

36 (r) ~~Exercise~~ all other powers as may be necessary or appropriate in
37 furtherance of, and consistent with, the purposes of this act.

38 8. Exemption from taxes, local laws. (a) The ~~Commission~~ shall be
39 performing essential governmental functions in exercising its powers and
40 functions and in carrying out the provisions of this act and of any law
41 relating thereto, and shall not be required to pay any taxes or assess-
42 ments of any character, levied by either state or any local government
43 thereof, upon any of the property used by it or its agents or contrac-
44 tors for the ~~Facilitation~~ of the ~~Project~~, or any income or revenue ther-
45 efrom, including any profit from a sale, lease or exchange, or in
46 connection with the transfer thereof or of any real property interest
47 therein. Any bonds or other securities or obligations issued by the
48 ~~Commission~~, their transfer and the interest paid thereon or income ther-
49 efrom, including any profit from a sale or exchange, shall at all times
50 be free from taxation by either state or any subdivision thereof.

Commission

stain

51 (b) The ~~Commission~~ shall, as a matter of policy, conform to the enact-
52 ments, ordinances, resolutions and regulations of the respective states
53 and local governments where the ~~Project~~ is located in regard to the
54 construction and maintenance of the ~~Project~~, and in regard to health and
55 fire protection which would be applicable if the ~~Commission~~ were a
56 private corporation, to the extent that the ~~Commission~~ finds it practi-

Project

commission

commission

stain

Project

Commission

Commission

Project

TED 164

Commission

1 cable so to do, without interfering with, impairing, or affecting the
 2 efficiency of its purposes under this act, or its ability to effectuate
 3 the ~~Project~~ upon a self-supporting basis, or its obligations, duties, and
 4 responsibilities to the two states, its bondholders, if any, and the
 5 general public, but the decision of the ~~Commission~~ as to whether it is
 6 practicable so to do shall be controlling. To that end, the ~~Commission~~
 7 shall submit copies of plans and specifications for buildings and struc-
 8 tures to the appropriate state and local government officials and shall
 9 consult with them with respect thereto, and shall receive their comments
 10 and suggestions thereon, but the ~~Commission~~ shall make the final deter-
 11 mination as to which comments and suggestions to accept in effectuating
 12 the project.

13 (c) ~~The Commission~~ is hereby authorized and empowered, in its
 14 discretion, to enter into a voluntary agreement or agreements with any
 15 local government whereby the ~~Commission~~ may undertake to pay in lieu of
 16 taxes a fair and reasonable sum, if any, annually, in connection with any
 17 real property acquired and owned by the ~~Commission~~ for any of the
 18 purposes of this act, and to provide for the payment as a rental or
 19 additional rental charge by any person occupying any portion of such
 20 real property as lessee, vendee or otherwise of such fair and reasonable
 21 sum, provided that in no event shall any voluntary agreement entered
 22 into by the commission provide for the payment of an amount in lieu of
 23 taxes in excess of the amount last paid as taxes upon such real property
 24 prior to the time of its acquisition by the ~~Commission~~.

25 (d) Notwithstanding any other provision of law, general, special,
 26 charter or local, each local government is hereby authorized and
 27 empowered to enter into such agreement or agreements with the ~~Commis-~~
 28 ~~sion~~, and to accept the payment or payments which the ~~Commission~~ is
 29 hereby authorized and empowered to make, and the sums so received by
 30 such local government shall be devoted to purposes to which taxes may be
 31 applied in all affected taxing jurisdictions unless and until otherwise
 32 directed by law of the state in which such local government is located.

33 § 3. Subdivisions 1, 2 and 3 of section 14-c of the transportation
 34 law, as added by chapter 639 of the laws of 1971, are amended to read as
 35 follows:

36 1. The department of transportation may cooperate and contract with
 37 the national railroad passenger corporation ~~for the gateway development~~
 38 ~~commission~~ for any intercity rail passenger services deemed necessary,
 39 convenient or desirable by the commissioner, within the amounts avail-
 40 able by appropriation therefor, as such services are made available
 41 pursuant to the provisions of the rail passenger service act of nineteen
 42 hundred seventy and any acts amendatory or supplemental thereto, subject
 43 to the approval of the director of the budget or pursuant to reimburse-
 44 ~~ment available from the gateway development commission, any railroad~~
 45 ~~company, any other state or agency, the federal government, any public~~
 46 ~~authority of this state or any other state or two or more states, or any~~
 47 ~~political subdivision or municipality of the state.~~ Notwithstanding any
 48 inconsistent law, general, special or local, the commissioner, as funds
 49 are made available for the purposes hereof, is hereby empowered to
 50 contract with such corporation or ~~the gateway development~~ commission and
 51 to do all other things necessary, convenient or desirable on behalf of
 52 the state to secure the full benefits available under and pursuant to
 53 such act and any other federal act which provides funding for intercity
 54 rail passenger services, and to contract and do all other things neces-
 55 sary as hereinafter provided on behalf of the state to effect [the] and
 56 facilitate intercity rail passenger [service program] services which he

Notwithstanding the provisions of paragraph a of this subdivision

The

Commission

Commission

or if deemed necessary, desirable or convenient by the commissioner to facilitate the purposes of this section with the agency development commission to the extent that the commission is so authorized to act under its authorizing statute

Commission

TED 165

1 determines is necessary, convenient or desirable, provided that activ-
 2 ities with the gateway development commission shall be limited to those
 3 which advance the purposes described in the chapter of the laws of two
 4 thousand nineteen that created the gateway development commission and
 5 shall be contingent on the commissioner entering into an agreement with
 6 the gateway development commission, approved in accordance with the
 7 chapter of the laws of two thousand nineteen that created such commis-
 8 sion.]

and the department
 of transportation
 may cooperate
 and contract with
 the gateway
 development
 commission for
 passenger rail
 activities, to the
 extent that the

9 2. The commissioner shall coordinate the intercity rail passenger
 10 activities of the state and other interested public and private organ-
 11 izations and persons to effectuate the purposes of this section and
 12 shall have the responsibility for negotiating with the federal govern-
 13 ment with respect to intercity rail passenger service programs except
 14 to the extent responsibility is delegated by legislation to another
 15 agency, instrumentality, any public authority of this state or any other
 16 state or two or more states, or any political subdivision or munici-
 17 pality of the state for one or more of such activities.] The commis-

gateway
 development
 commission is
 so authorized to
 act under its
 authorizing
 statute, provided
 however, that the
 department of
 transportation
 shall only contract
 with the gateway
 development
 commission if
 such contracts
 approved by
 the commission's
 board of
 commissioners
 in accordance
 with its
 authorizing
 statute.

18 er is authorized to enter into joint service agreements, between the
 19 state and any railroad company, any other state department or agency,
 20 the federal government, the Canadian government, any other state, or
 21 agency or instrumentality thereof, any public authority of this state or
 22 any other state or two or more states, or any political subdivision or
 23 municipality of the state, relating to property, buildings, structures,
 24 facilities, services, rates, fares, classifications, dividends, allow-
 25 ances or charges (including charges between intercity rail passenger
 26 service facilities), or rules or regulations pertaining thereto, for or
 27 in connection with or incidental to transportation in part upon inter-
 28 city rail passenger service facilities. Intercity rail passenger service
 29 facilities include the right of way and related trackage, rails, cars,
 30 locomotives, or other rolling stock, signal, power, fuel, communication
 31 and ventilation systems, power plants, stations, terminals, tunnels,
 32 storage yards, repair and maintenance shops, yards, equipment and parts,
 33 offices and other real estate or personnel used or held for or inci-
 34 dental to the operation, rehabilitation or improvement of any railroad
 35 operating intercity rail passenger service or to operate such service,
 36 including but not limited to buildings, structures, and rail property.

37 3. [The] Notwithstanding any other provision of law, general, special,
 38 charter or local, the commissioner may on such terms and conditions as
 39 he may determine necessary, convenient or desirable, establish,
 40 construct, effectuate, operate, maintain, renovate, improve, extend or
 41 repair any such intercity rail passenger service facility or any related
 42 services and activities, or may provide for such by contract, lease or
 43 other arrangement on such terms as the commissioner may deem necessary,
 44 convenient or desirable with any agency, corporation or person, includ-
 45 ing but not limited to any railroad company, any state agency, the
 46 federal government, the Canadian government, any other state or agency
 47 or instrumentality thereof, any public authority of this or any other
 48 state or two or more states, or any political subdivision or munici-
 49 pality of the state.

50 § 4. Notwithstanding any other provision of law of New York or New
 51 Jersey, general, special, charter or local, each state and local govern-
 52 ment, any agency, instrumentality, department, commission or authority
 53 thereof, and any bi-state agency are hereby authorized and empowered to
 54 cooperate with, aid and assist the Commission in effectuating the
 55 provisions of this act, as it may be amended or supplemented hereafter.

and other
 agreements

Commission

State
TEN 166

State

the State of

Attorney General

Attorney General

the Attorney General

State

1 § 5. Upon the concurrence of the ~~state~~ of New Jersey, the ~~States~~ of
 2 New Jersey and New York consent to suits, actions or proceedings of any
 3 form or nature at law, in equity, or otherwise (including proceedings to
 4 enforce arbitration agreements) against the ~~Gateway Development~~ Commis-
 5 sion, and to appeals therefrom and reviews thereof, except as hereinaft-
 6 er provided. The foregoing consent does not extend to: (a) suits, actions,
 7 or proceedings upon any causes of action whatsoever accruing before the
 8 effective date of this act; (b) suits, actions or proceedings upon any
 9 causes of action whatsoever, upon, in connection with, or arising out of
 10 any contract, express or implied, entered into or assumed by or assigned
 11 to the ~~Gateway Development~~ Commission before the effective date of this
 12 act (including any supplement to, or amendment, extension or renewal of
 13 any such contract, even if such supplement, amendment, extension or
 14 renewal is made on or after the effective date of this act), regardless
 15 of whether such cause of action accrued before or after that date; (c)
 16 civil suits, actions or proceedings for the recovery of statutory penal-
 17 ties; and (d) suits, actions or proceedings for judgments, orders, or
 18 decrees restraining, enjoining or preventing the ~~Gateway Development~~
 19 Commission from committing or continuing to commit any act or acts,
 20 other than suits, actions or proceedings by the ~~Attorney General~~ of New
 21 Jersey or by the ~~Attorney General~~ of New York, each of whom is hereby
 22 authorized to bring such suits, actions or proceedings in his or her
 23 discretion on behalf of any person or persons whatsoever who requests
 24 ~~him or her~~ to do so, except in the cases otherwise excluded by this act;
 25 provided, that in any such suit, action or proceeding, no judgment,
 26 order or decree shall be entered except upon at least two days' prior
 27 written notice to the ~~Gateway Development~~ Commission of the proposed
 28 entry thereof.

29 The ~~Gateway Development~~ Commission shall be immune from liability as
 30 though it were the ~~State~~ of New York, except to the extent that such
 31 immunity is waived by the ~~State~~ of New York under section 8 of the New
 32 York Court of Claims Act.

33 § 6. Severability. (a) If any provision of this act or the application
 34 thereof to any person or circumstance is held invalid, including as not
 35 in accordance with federal law or federal constitutional requirements,
 36 such invalidity shall not affect other provisions or applications of the
 37 act which can be given effect without the invalid provision or applica-
 38 tion and to this end the provisions of this act are declared to be
 39 severable.

40 (b) The provisions of this act, and the powers vested in the Gateway
 41 Development Commission, shall be liberally construed to give effect to
 42 the purposes of this act.

43 § 7. (a) This act shall take effect upon the enactment into law by the
 44 state of New Jersey of legislation having an identical effect with this
 45 act, but if the state of New Jersey shall have already enacted such
 46 legislation, this act shall take effect immediately; provided that the
 47 state of New Jersey shall notify the legislative bill drafting commis-
 48 sion upon the occurrence of the enactment of the legislation provided
 49 for in this act in order that the commission may maintain an accurate
 50 and timely effective data base of the official text of the laws of the
 51 state of New York in furtherance of effectuating the provisions of
 52 section 44 of the legislative law and section 70-b of the public offi-
 53 cers law; and

54 (b) the ~~Gateway Development~~ Commission shall dissolve following a
 55 joint determination by the ~~Governors~~ of New Jersey and New York that the
 56 ~~transportation project~~ has been completed or should be transferred to

the Governor of

Project

Governor

TED 167

without
payment
credit
in times

Project

1 another agency, instrumentality or entity and (i) any bonds or other
2 securities issued and any other debt incurred for such project purposes
3 have been repaid or arrangements have been made to ensure such repayment
4 in full, and (ii) Amtrak is not unduly prejudiced by such dissolution;
5 provided that the Gateway Development Commission shall notify the legis-
6 lative bill drafting commission upon the occurrence of the intended
7 dissolution in order that the commission may maintain an accurate and
8 timely effective data base of the official text of the laws of the state
9 of New York in furtherance of effectuating the provisions of section 44
10 of the legislative law and section 70-b of the public officers law.

PART EE

all devel
organization
as which
will
sch

12 Section 1. The public authorities law is amended by adding a new
13 section 1279-e to read as follows:

4.

part A
2009

34

14 § 1279-e. Assignment, transfer, sharing or consolidating powers, func-
15 tions or activities. 1. Notwithstanding any provision of this title or
16 any other provision of law, general, special or local, the authority
17 may, in whole or in part, assign, transfer, share, or consolidate any
18 one or more of its powers, duties, functions or activities or any
19 department, division or office established therewith, or any of those of
20 its subsidiaries, or affiliates or their subsidiaries, within or between
21 itself, its subsidiaries or affiliates or their subsidiaries, in a manner
22 consistent with the provisions of this section.

23 2. Any such assignment, transfer, sharing, or consolidation pursuant
24 to this section shall occur only if approved by resolution of the board
25 of the authority, serving on behalf of the authority and any affected
26 subsidiary or affiliate or their subsidiary, adopted by not less than a
27 majority vote of the whole number of members of the authority then in
28 office, with the chairman having one additional vote in the event of a
29 tie vote.

30 3. Pursuant to this section, any such assigning, transferring, shar-
31 ing, or consolidating of powers, duties, functions or activities shall
32 not be authorized where it would impair any rights and remedies of any
33 holders of notes, bonds or other obligations issued by or violate any
34 duly executed labor agreements entered into by the authority, its
35 subsidiaries, or affiliates or their subsidiaries.

36 § 2. This act shall take effect immediately.

PART FF

38 Section 1. Paragraphs (b-1) and (c-3) of subdivision 2 of section 503
39 of the vehicle and traffic law, paragraph (b-1) as added by section 1
40 and paragraph (c-3) as added by section 2 of part A of chapter 25 of the
41 laws of 2009, are amended to read as follows:

42 (b-1) Supplemental learner permit/license fee in the metropolitan
43 commuter transportation district. (i) Upon passage of the knowledge test
44 required to obtain a learner's permit, an applicant for a driver's
45 license who resides in the metropolitan commuter transportation district
46 established by section one thousand two hundred sixty-two of the public
47 authorities law shall be required to pay a supplemental fee of one
48 dollar for each six months or portion thereof of the period of validity
49 of a learner's permit or license which is or may be issued pursuant to
50 the provisions of subparagraph (i) or (ii) of paragraph (b) of this
51 subdivision.

3. Such organization
shall also
be subject to
the approval
of the mass
transportation
panel created
pursuant to
section 1205-
of § 10 of
title of
Article 5 of
the Public
Authorities Law

*TED
PART NN*

S. 1508

188

A. 2008

MS

1 ~~support of the sale of retail goods at state parks, recreational facilities and historic sites.~~
2 ~~§ 2. The state finance law is amended by adding a new section 99-gg to read as follows:~~
3 ~~§ 99-gg. Golf fund. 1. Notwithstanding sections eight, eight-a and seventy of this chapter and any other provision of law, rule, regulation or practice to the contrary, there is hereby established in the joint custody of the state comptroller and the commissioner of tax and finance a golf fund, which shall be classified by the state comptroller as an enterprise fund, and which shall consist of all moneys collected from private entities and individuals for the use of state-owned golf courses, any other miscellaneous fees associated with the use of such golf courses, and sale of retail goods and services at state owned golf courses.~~
4 ~~2. Moneys within the golf fund shall be made available to the commissioner of parks, recreation and historic preservation for services and expenses of the office of parks, recreation and historic preservation relating to the direct maintenance and operation of state owned golf courses, and in support of the sale of retail goods and services at state owned golf courses.~~
5 ~~§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2019.~~

PART NN

24 Section 1. Subdivision 7 of section 2611 of the public authorities law, as amended by section 3 of part C of chapter 60 of the laws of 25 2012, is amended to read as follows:
26
27 7. To enter into contracts, leases and subleases and to execute all 28 instruments necessary or convenient for the conduct of authority busi- 29 ness, including agreements with the park district and any state agency 30 which administers, owns or supervises any olympic facility or Belleayre 31 Mountain ski center, as provided in sections twenty-six hundred twelve 32 and twenty-six hundred fourteen of this title, and including contracts 33 or other agreements to plan, prepare for and host olympic or other 34 national or international games or events where such contracts or agree- 35 ments would obligate the authority to defend, indemnify and/or insure 36 third parties in connection with, arising out of, or relating to such 37 games or events, such authority to be limited by the amount of any 38 lawful appropriation for that purpose. With respect to the two thousand 39 twenty-three world university games, the amount of such appropriation 40 shall be no less than sixteen million dollars;
41 § 2. This act shall take effect immediately.

No more than

or other funding mechanism such as a performance bond surety or other collateral instrument

PART OO

43 Section 1. Clauses 6 and 7 of subparagraph (B) of paragraph (i) of 44 subdivision (b) of section 349-g of the highway law, as added by chapter 45 78 of the laws of 2018, are amended to read as follows:
46 6. Within the waters of Flushing Bay South 45°-38'-00" East, a 47 distance of 1092.05' to a point in the waters of Flushing Bay, said 48 point also being the westerly line of Tax Map Lot 65 Block [789] 1789, 49 thence;
50 7. Along the westerly line of same South 05°-02'-52" East, a distance 51 of 456.35' to a point in the westerly line of Tax Map Lot 65 Block [789] 52 1789, thence;

S. 1508

189

A. 2008

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after chapter 78 of the laws
3 of 2018 took effect, ~~and, provided, however, that the amendments made to~~
4 ~~section 349-g of the social services law by section one of this act~~
5 ~~shall not affect the repeal of such section and shall be deemed repealed~~
6 therewith.

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

16 § 3. This act shall take effect immediately provided, however, that
17 the applicable effective date of Parts A through ~~OO~~ of this act shall be
18 as specifically set forth in the last section of such Parts.

RR

INSERT NEW PART PP (LBD# 73048-01-9)
PART QQ (LBD# 73046-01-9)
PART RR (LBD# 73051-01-9)

TED Article VII Inserts

Insert DMV 56, Page 56

(i-a) A violation of subdivision four-a of section eleven hundred ninety-two of this article shall be a class E felony, and shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

Insert DMV 62, Page 62

(i-a) A violation of subdivision four-a of section eleven hundred ninety-two of this article shall be a class E felony, and shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

TED Part T Page 108

Insert A

fails to comply, as demonstrated to the satisfaction of the commissioner, with the certification requirements established by 49 C.F.R. Part 567.

TED Part T Page 110

Insert A

§16. Subdivision 3 of section 1229-c of the vehicle and traffic law, as added by chapter 365 of the laws of 1984, is amended to read as follows:

3. No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in [the front seat of] a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.

§17. Section 3635-a of the education law, as added by chapter 747 of the laws of 1986, is repealed.

TED PART BB Page 149

Insert B

5. Members of the panel shall serve without compensation.

§11.

TED Part EE Page 167

Insert A

§2. Subdivision 1 of section 1264 of the public authorities law is amended to read as follows:

§1264. Purposes of the authority. 1. The purposes of the authority shall be the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with the provisions of this title. It shall be the further purpose of the authority, consistent with its status as the ex officio board of both the New York city transit authority and the triborough bridge and tunnel authority, to develop and implement a unified mass transportation policy for such district in an efficient and cost-effective manner that includes the use of design-build contracting on all major projects.

§3. Subdivision 1 of section 1263 of the public authorities law is amended to add a new subparagraph (c) to read as follows:

(c) Notwithstanding any inconsistent provision of this section, the term of any chairman or any member shall expire upon the expiration of the term in office being served by the county, city, or state elected official upon whose recommendation they were appointed; provided, however, that in such circumstance the chairman or any member may continue to serve as a holdover appointee until such time as a chairman or member is appointed to fill their position. The term of any chairman or member appointed to replace such a holdover appointee shall expire at the end of the term in office of the county, city or state elected officer upon whose recommendation they were appointed.

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the business corporation law and the partnership law, in relation to the elimination of the biennial filing fee and five-year statement fee; and to repeal certain provisions of the business corporation law and the limited liability company law relating thereto (Part);

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

1

PART PP

2 Section 1. Paragraph (r) of section 104-A of the business corporation
3 law is REPEALED.

4 § 2. Subparagraphs 3 and 4 of paragraph (a) and paragraphs (b) and (c)
5 of section 306-A of the business corporation law, as added by chapter
6 469 of the laws of 1997, subparagraph 4 of paragraph (a) as amended by
7 chapter 172 of the laws of 1999, paragraphs (b) and (c) as amended by
8 section 2 of part S of chapter 59 of the laws of 2015, are amended to
9 read as follows:

10 (3) That sixty days prior to the filing of the certificate of resigna-
11 tion for receipt of process with the department of state the party has
12 sent a copy of the certificate of resignation for receipt of process by
13 registered or certified mail to the address of the registered agent of
14 the designating corporation, if other than the party filing the certif-
15 icate of resignation[,] for receipt of process, or if the [resigning]
16 designating corporation has no registered agent, then to the last
17 address of the designating corporation known to the party, specifying

1 the address to which the copy was sent. If there is no registered agent
2 and no known address of the designating corporation, the party shall
3 attach an affidavit to the certificate stating that a diligent but
4 unsuccessful search was made by the party to locate the corporation,
5 specifying what efforts were made.

6 (4) That the designating corporation is required to deliver to the
7 department of state a certificate of amendment or change providing for
8 the designation by the corporation of a new address and that upon its
9 failure to file such certificate, its authority to do business in this
10 state shall be suspended[, unless the corporation has previously filed a
11 biennial statement under section four hundred eight of this chapter, in
12 which case the address of the principal executive office stated in the
13 last filed biennial statement shall constitute the new address for proc-
14 ess of the corporation, and no such certificate of amendment or change
15 need be filed].

16 (b) Upon the failure of the designating corporation to file a certif-
17 icate of amendment or change providing for the designation by the corpo-
18 ration of the new address after the filing of a certificate of resigna-
19 tion for receipt of process with the secretary of state, its authority
20 to do business in this state shall be suspended [unless the corporation
21 has previously filed a statement under section four hundred eight of
22 this chapter, in which case the address of the principal executive
23 office stated in the last filed statement, shall constitute the new
24 address for process of the corporation provided such address is differ-
25 ent from the previous address for process, and the corporation shall not
26 be deemed suspended].

27 (c) The filing by the department of state of a certificate of amend-
28 ment or change [or statement under section four hundred eight of this

1 chapter] providing for a new address by a designating corporation shall
2 annul the suspension and its authority to do business in this state
3 shall be restored and continue as if no suspension had occurred.

4 § 3. Section 408 of the business corporation law is REPEALED.

5 § 4. Section 409 of the business corporation law is REPEALED.

6 § 5. Subdivision (e) of section 301 of the limited liability company
7 law is REPEALED.

8 § 6. Subdivision (c) of section 1101 of the limited liability company
9 law is REPEALED.

10 § 7. Subdivision (g) of section 121-1500 of the partnership law, as
11 amended by section 8 of part S of chapter 59 of the laws of 2015, is
12 amended to read as follows:

13 (g) [Each registered limited liability partnership shall, within sixty
14 days prior to the fifth anniversary of the effective date of its regis-
15 tration and every five years thereafter, furnish a statement to the
16 department of state setting forth: (i) the name of the registered limit-
17 ed liability partnership, (ii) the address of the principal office of
18 the registered limited liability partnership, (iii) the post office
19 address within or without this state to which the secretary of state
20 shall mail a copy of any process accepted against it served upon him or
21 her, which address shall supersede any previous address on file with the
22 department of state for this purpose, and (iv) a statement that it is
23 eligible to register as a registered limited liability partnership
24 pursuant to subdivision (a) of this section. The statement shall be
25 executed by one or more partners of the registered limited liability
26 partnership. The statement shall be accompanied by a fee of twenty
27 dollars if submitted directly to the department of state. The commis-
28 sioner of taxation and finance and the secretary of state may agree to

1 allow registered limited liability partnerships to provide the statement
2 specified in this subdivision on tax reports filed with the department
3 of taxation and finance in lieu of statements filed directly with the
4 secretary of state and in a manner prescribed by the commissioner of
5 taxation and finance. If this agreement is made, starting with taxable
6 years beginning on or after January first, two thousand sixteen, each
7 registered limited liability partnership required to file the statement
8 specified in this subdivision that is subject to the filing fee imposed
9 by paragraph three of subsection (c) of section six hundred fifty-eight
10 of the tax law shall provide such statement annually on its filing fee
11 payment form filed with the department of taxation and finance in lieu
12 of filing a statement under this subdivision with the department of
13 state. However, each registered limited liability partnership required
14 to file a statement under this section must continue to file a statement
15 with the department of state as required by this section until the
16 registered limited liability partnership in fact has filed a filing fee
17 payment form with the department of taxation and finance that includes
18 all required information. After that time, the registered limited
19 liability partnership shall continue to provide annually the statement
20 specified in this subdivision on its filing fee payment form in lieu of
21 the statement required by this subdivision. The commissioner of taxation
22 and finance shall deliver the completed statement specified in this
23 subdivision to the department of state for filing. The department of
24 taxation and finance must, to the extent feasible, also include in such
25 delivery the current name of the registered limited liability partner-
26 ship, department of state identification number for such registered
27 limited liability partnership, the name, signature and capacity of the
28 signer of the statement, name and street address of the filer of the

1 statement, and the email address, if any, of the filer of the statement.
2 If a registered limited liability partnership shall not timely file the
3 statement required by this subdivision, the department of state may,
4 upon sixty days' notice mailed to the address of such registered limited
5 liability partnership as shown in the last registration or statement or
6 certificate of amendment filed by such registered limited liability
7 partnership, make a proclamation declaring the registration of such
8 registered limited liability partnership to be revoked pursuant to this
9 subdivision. The department of state shall file the original proclama-
10 tion in its office and shall publish a copy thereof in the state regis-
11 ter no later than three months following the date of such proclamation.
12 This shall not apply to registered limited liability partnerships that
13 have filed a statement with the department of state through the depart-
14 ment of taxation and finance. Upon the publication of such proclamation
15 in the manner aforesaid, the registration of each registered limited
16 liability partnership named in such proclamation shall be deemed revoked
17 without further legal proceedings.] Any registered limited liability
18 partnership whose registration was [so] revoked pursuant to this subdivi-
19 vision as it existed on the day prior to the effective date of the chap-
20 ter of the laws of two thousand nineteen which amended this subdivision
21 may file in the department of state a [statement required by this subdivi-
22 vision] certificate entitled, "Certificate of annulment of revocation of
23 registration of(name of limited liability partnership) pursuant
24 to section 121-1500(g) of the Partnership Law", and shall set forth:
25 (1) The name of the registered limited liability partnership and, if it
26 has been changed, the name under which it was initially registered. (2)
27 The date of the filing of its certificate of registration by the depart-
28 ment of state. (3) That it elects to annul the revocation of its regis-

1 tration. The certificate shall be executed by one or more partners of
2 the registered limited liability partnership. The filing of such
3 [statement] certificate shall have the effect of annulling all of the
4 proceedings theretofore taken for the revocation of the registration of
5 such registered limited liability partnership under this subdivision and
6 (1) the registered limited liability partnership shall thereupon have
7 such powers, rights, duties and obligations as it had on the date of the
8 publication of the proclamation, with the same force and effect as if
9 such proclamation had not been made or published and (2) such publica-
10 tion shall not affect the applicability of the provisions of subdivision
11 (b) of section twenty-six of this chapter to any debt, obligation or
12 liability incurred, created or assumed from the date of publication of
13 the proclamation through the date of the filing of the [statement]
14 certificate with the department of state. [If, after the publication of
15 such proclamation, it shall be determined by the department of state
16 that the name of any registered limited liability partnership was erro-
17 neously included in such proclamation, the department of state shall
18 make appropriate entry on its records, which entry shall have the effect
19 of annulling all of the proceedings theretofore taken for the revocation
20 of the registration of such registered limited liability partnership
21 under this subdivision and (A) such registered limited liability part-
22 nership shall have such powers, rights, duties and obligations as it had
23 on the date of the publication of the proclamation, with the same force
24 and effect as if such proclamation had not been made or published and
25 (B) such publication shall not affect the applicability of the
26 provisions of subdivision (b) of section twenty-six of this chapter to
27 any debt, obligation or liability incurred, created or assumed from the
28 date of publication of the proclamation through the date of the making

1 of the entry on the records of the department of state. Whenever a
2 registered limited liability partnership whose registration was revoked
3 shall have filed a statement pursuant to this subdivision or if the name
4 of a registered limited liability partnership was erroneously included
5 in a proclamation and such proclamation was annulled, the department of
6 state shall publish a notice thereof in the state register.]

7 § 8. Paragraph (I) of subdivision (f) of section 121-1502 of the part-
8 nership law, as amended by section 4 of part S of chapter 59 of the laws
9 of 2015, is amended to read as follows:

10 (I) [Each New York registered foreign limited liability partnership
11 shall, within sixty days prior to the fifth anniversary of the effective
12 date of its notice and every five years thereafter, furnish a statement
13 to the department of state setting forth:

14 (i) the name under which the New York registered foreign limited
15 liability partnership is carrying on or conducting or transacting busi-
16 ness or activities in this state, (ii) the address of the principal
17 office of the New York registered foreign limited liability partnership,
18 (iii) the post office address within or without this state to which the
19 secretary of state shall mail a copy of any process accepted against it
20 served upon him or her, which address shall supersede any previous
21 address on file with the department of state for this purpose, and (iv)
22 a statement that it is a foreign limited liability partnership. The
23 statement shall be executed by one or more partners of the New York
24 registered foreign limited liability partnership. The statement shall be
25 accompanied by a fee of fifty dollars if submitted directly to the
26 department of state. The commissioner of taxation and finance and the
27 secretary of state may agree to allow New York registered foreign limit-
28 ed liability partnerships to provide the statement specified in this

1 paragraph on tax reports filed with the department of taxation and
2 finance in lieu of statements filed directly with the secretary of state
3 and in a manner prescribed by the commissioner of taxation and finance.
4 If this agreement is made, starting with taxable years beginning on or
5 after January first, two thousand sixteen, each New York registered
6 foreign limited liability partnership required to file the statement
7 specified in this paragraph that is subject to the filing fee imposed by
8 paragraph three of subsection (c) of section six hundred fifty-eight of
9 the tax law shall provide such statement annually on its filing fee
10 payment form filed with the department of taxation and finance in lieu
11 of filing a statement under this paragraph directly with the department
12 of state. However, each New York registered foreign limited liability
13 partnership required to file a statement under this section must contin-
14 ue to file a statement with the department of state as required by this
15 section until the New York registered foreign limited liability partner-
16 ship in fact has filed a filing fee payment form with the department of
17 taxation and finance that includes all required information. After that
18 time, the New York registered foreign limited liability partnership
19 shall continue to provide annually the statement specified in this para-
20 graph on its filing fee payment form in lieu of filing the statement
21 required by this paragraph directly with the department of state. The
22 commissioner of taxation and finance shall deliver the completed state-
23 ment specified in this paragraph to the department of state for filing.
24 The department of taxation and finance must, to the extent feasible,
25 also include in such delivery the current name of the New York regis-
26 tered foreign limited liability partnership, department of state iden-
27 tification number for such New York registered foreign limited liability
28 partnership, the name, signature and capacity of the signer of the

1 statement, name and street address of the filer of the statement, and
2 the email address, if any, of the filer of the statement. If a New York
3 registered foreign limited liability partnership shall not timely file
4 the statement required by this subdivision, the department of state may,
5 upon sixty days' notice mailed to the address of such New York regis-
6 tered foreign limited liability partnership as shown in the last notice
7 or statement or certificate of amendment filed by such New York regis-
8 tered foreign limited liability partnership, make a proclamation declar-
9 ing the status of such New York registered foreign limited liability
10 partnership to be revoked pursuant to this subdivision. This shall not
11 apply to New York registered foreign limited liability partnerships that
12 have filed a statement with the department of state through the depart-
13 ment of taxation and finance. The department of state shall file the
14 original proclamation in its office and shall publish a copy thereof in
15 the state register no later than three months following the date of such
16 proclamation. Upon the publication of such proclamation in the manner
17 aforesaid, the status of each New York registered foreign limited
18 liability partnership named in such proclamation shall be deemed revoked
19 without further legal proceedings.] Any New York registered foreign
20 limited liability partnership whose status was [so] revoked pursuant to
21 this paragraph as it existed on the day prior to the effective date of
22 the chapter of the laws of two thousand nineteen which amended this
23 paragraph may file in the department of state a [statement required by
24 this subdivision] certificate entitled, "Certificate of revocation of
25 registration of (name of New York registered foreign limited
26 liability partnership) pursuant to section 121-1502(f)(I) of the Part-
27 nership Law", and shall set forth: (1) The name of the New York regis-
28 tered foreign limited liability partnership and, if it has been changed,

1 the name under which it was initially registered. (2) The date of
2 filing of its notice of registration by the department of state. (3)
3 That it elects to annul the revocation of its registration. The certif-
4 icate shall be executed by one or more partners of the New York regis-
5 tered foreign limited liability partnership. The filing of such [state-
6 ment] certificate shall have the effect of annulling all of the
7 proceedings theretofore taken for the revocation of the status of such
8 New York registered foreign limited liability partnership under this
9 subdivision and (1) the New York registered foreign limited liability
10 partnership shall thereupon have such powers, rights, duties and obli-
11 gations as it had on the date of the publication of the proclamation,
12 with the same force and effect as if such proclamation had not been made
13 or published and (2) such publication shall not affect the applicability
14 of the laws of the jurisdiction governing the agreement under which such
15 New York registered foreign limited liability partnership is operating
16 (including laws governing the liability of partners) to any debt, obli-
17 gation or liability incurred, created or assumed from the date of publi-
18 cation of the proclamation through the date of the filing of the state-
19 ment with the department of state. [If, after the publication of such
20 proclamation, it shall be determined by the department of state that the
21 name of any New York registered foreign limited liability partnership
22 was erroneously included in such proclamation, the department of state
23 shall make appropriate entry on its records, which entry shall have the
24 effect of annulling all of the proceedings theretofore taken for the
25 revocation of the status of such New York registered foreign limited
26 liability partnership under this subdivision and (1) such New York
27 registered foreign limited liability partnership shall have such powers,
28 rights, duties and obligations as it had on the date of the publication

1 of the proclamation, with the same force and effect as if such proclama-
2 tion had not been made or published and (2) such publication shall not
3 affect the applicability of the laws of the jurisdiction governing the
4 agreement under which such New York registered foreign limited liability
5 partnership is operating (including laws governing the liability of
6 partners) to any debt, obligation or liability incurred, created or
7 assumed from the date of publication of the proclamation through the
8 date of the making of the entry on the records of the department of
9 state. Whenever a New York registered foreign limited liability partner-
10 ship whose status was revoked shall have filed a statement pursuant to
11 this subdivision or if the name of a New York registered foreign limited
12 liability partnership was erroneously included in a proclamation and
13 such proclamation was annulled, the department of state shall publish a
14 notice thereof in the state register.]

15 § 9. This act shall take effect on the ninetieth day after it shall
16 have become a law; provided, however, sections one, two, three, four,
17 five, seven and eight of this act shall take effect upon the development
18 of a new computerized filing system currently being developed by the
19 department of state; provided further, however, that the secretary of
20 state shall notify the legislative bill drafting commission upon the
21 occurrence of the development of a new computerized filing system being
22 developed by the department of state in order that the commission may
23 maintain an accurate and timely effective data base of the official text
24 of the laws of the state of New York in furtherance of effectuating the
25 provisions of section 44 of the legislative law and section 70-b of the
26 public officers law.

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public authorities law, in relation to agree-
ments for fiber optics (Part);

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

1 PART QQ

2 Section 1. Subdivision 6 of section 2897 of the public authorities law
3 is amended by adding a new paragraph f to read as follows:

4 f. Notwithstanding anything to the contrary in this section, disposals
5 for use of the thruway authority's fiber optic system, or any part ther-
6 eof, may be made through agreements based on set fees that shall not
7 require public auction, provided that:

8 (i) the thruway authority has determined the disposal of such property
9 complies with all applicable provisions of this chapter;

10 (ii) the thruway authority has determined that disposal of such prop-
11 erty is in the best interest of the thruway authority; and

12 (iii) the set fees established by the thruway authority for use of the
13 fiber optic system, or part thereof, shall be based on an independent
14 appraisal of the fair market value of the property.

15 Disposals of the fiber optic system, or any part thereof, through
16 agreements based on set fees shall not require the explanatory state-
17 ments required by this section.

18 § 2. This act shall take effect immediately.

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public authorities law, in relation to procurements by the New York city transit authority and metropolitan transportation authority; and to amend chapter 54 of the laws of 2016 amending the public authorities law relating to procurements by the New York city transit authority and metropolitan transportation authority, in relation to the effectiveness thereof (Part);

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

1

PART RR

2 Section 1. Subdivision 6 of section 1209 of the public authorities
3 law, as amended by chapter 30 of the laws of 2015, is amended to read as
4 follows:

5 6. The provisions of subdivisions one, two, three and four of this
6 section shall not be applicable to any procurement by the authority
7 commenced during the period from the effective date of this subdivision
8 until December thirty-first, nineteen hundred ninety-one or during the
9 period from December sixteenth, nineteen hundred ninety-three until June
10 thirtieth, two thousand [nineteen] twenty-five; and the provisions of
11 subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of
12 this section shall only apply to procurements by the authority commenced
13 during such periods. The provisions of such subdivisions one, two, three
14 and four shall apply to procurements by the authority commenced during
15 the period from December thirty-first, nineteen hundred ninety-one until
16 December sixteenth, nineteen hundred ninety-three, and to procurements

1 by the authority commenced on and after July first, two thousand [nine-
2 teen] twenty-five. Notwithstanding the foregoing, the provisions of such
3 subdivisions one, two, three and four shall apply to (i) the award of
4 any contract of the authority if the bid documents for such contract so
5 provide and such bid documents are issued within sixty days of the
6 effective date of this subdivision or within sixty days of December
7 sixteenth, nineteen hundred ninety-three, or (ii) for a period of one
8 hundred eighty days after the effective date of this subdivision, or for
9 a period of one hundred eighty days after December sixteenth, nineteen
10 hundred ninety-three, the award of any contract for which an invitation
11 to bid, solicitation, request for proposal, or any similar document has
12 been issued by the authority prior to the effective date of this subdivi-
13 sion or during the period from January first, nineteen hundred nine-
14 ty-two until December fifteenth, nineteen hundred ninety-three.

15 § 2. Subdivision 1 of section 1265-a of the public authorities law, as
16 amended by chapter 30 of the laws of 2015, is amended to read as
17 follows:

18 1. The provisions of this section shall only apply to procurements by
19 the authority commenced during the period from April first, nineteen
20 hundred eighty-seven until December thirty-first, nineteen hundred nine-
21 ty-one, and during the period from December sixteenth, nineteen hundred
22 ninety-three until June thirtieth, two thousand [nineteen] twenty-five;
23 provided, however, that the provisions of this section shall not apply
24 to (i) the award of any contract of the authority if the bid documents
25 for such contract so provide and such bid documents are issued within
26 sixty days of the effective date of this section or within sixty days of
27 December sixteenth, nineteen hundred ninety-three, or (ii) for a period
28 of one hundred eighty days after the effective date of this section or

1 for a period of one hundred eighty days after December sixteenth, nine-
2 teen hundred ninety-three, the award of any contract for which an invi-
3 tation to bid, solicitation, request for proposal, or any similar docu-
4 ment has been issued by the authority prior to the effective date of
5 this section or during the period from January first, nineteen hundred
6 ninety-two until December sixteenth, nineteen hundred ninety-three.

7 § 3. Section 15 of part 00 of chapter 54 of the laws of 2016, amending
8 the public authorities law relating to procurements by the New York city
9 transit authority and metropolitan transportation authority, is amended
10 to read as follows:

11 § 15. This act shall take effect immediately, and shall expire and be
12 deemed repealed [April 1, 2021] June 30, 2025.

13 § 4. This act shall take effect immediately.