

**2010-11 NEW YORK STATE EXECUTIVE BUDGET**

**TRANSPORTATION  
ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL CONSERVATION  
ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

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ECONOMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION  
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**CONTENTS**

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
A	Provide the annual authorization for the CHIPS and Marchiselli programs.	<a href="#">5</a>
B	Consolidate the Department of Transportation's Accident Damage Account with the Dedicated Highway and Bridge Trust Fund.	<a href="#">5</a>
C	Establish a waiver process so that transit systems and State agencies and authorities that operate diesel vehicles, and those that operate diesel vehicles on their behalf, do not have to install pollution devices on older vehicles if those vehicles will be retired within 3 years.	<a href="#">6</a>
D	Eliminate the ability of an Industrial Development Agency to grant an exemption on the additional portion of the Mortgage Recording Tax that is dedicated to transit systems.	<a href="#">7</a>
E	Extend the Department of Transportation's Single Audit program for one year.	<a href="#">8</a>
F	Eliminate the ability of the Metropolitan Transportation Authority (MTA) employees from receiving double the amount of workers' compensation benefits when injuries occur on leased New York City property.	<a href="#">9</a>
G	Extend owner controlled insurance to all MTA capital projects in order to provide savings to the Authority.	<a href="#">10</a>

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
H	Authorize the MTA to conduct a pilot program to test the use of electronic and reverse bidding.	<a href="#">10</a>
I	Eliminate the ability to sue the MTA when injuries result from reckless or deliberate conduct.	<a href="#">11</a>
J	Increase the Law Enforcement Motor Vehicle Accident Report threshold from \$1,000 to \$3,000 and eliminate the requirement that motorists also file accident reports.	<a href="#">12</a>
K	Allow the Department of Motor Vehicles to take advantage of bulk mailing rates by using the most up-to-date addressees provided by the United States Postal Service.	<a href="#">13</a>
L	Consolidate the State's Economic Development Agencies.	<a href="#">14</a>
M	Extend the New York State Higher Education Capital Matching Grant Program.	<a href="#">14</a>
N	Establish a new Small Business Revolving Loan Fund.	<a href="#">15</a>
O	Establish the New Technology Seed Fund.	<a href="#">16</a>
P	Make permanent the general loan powers of the New York State Urban Development Corporation.	<a href="#">17</a>
Q	Authorize support for the New York City Empowerment Zone, the New Technology Seed Fund and Governors Island.	<a href="#">17</a>
R	Allow equine drug testing to be conducted by a State college with an Equine Sciences Program.	<a href="#">18</a>

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
S	Facilitate an efficient transfer of Tribal State Compact Revenue to the General Fund and make a technical correction to the distribution of the local share of such revenues associated with the Niagara Falls Casino.	<a href="#"><u>19</u></a>
T	Eliminate the State's role in dog licensing while allowing municipalities more flexibility in maintaining their own licensing programs.	<a href="#"><u>20</u></a>
U	Authorize State agencies to enter into memoranda of understanding with Cornell University to procure services and technical assistance.	<a href="#"><u>21</u></a>
V	Authorize the Department of Health to finance certain activities with revenues generated from an assessment on cable television companies.	<a href="#"><u>22</u></a>
W	Authorize the conduct and regulation of professional mixed martial arts sporting events in New York State.	<a href="#"><u>22</u></a>
X	Extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents.	<a href="#"><u>23</u></a>
Y	Extend the fund distribution formula for the Community Services Block Grant Program one year.	<a href="#"><u>24</u></a>
Z	Streamline the classification of Not-For Profit Corporations.	<a href="#"><u>25</u></a>
AA	Include the New York City Housing Development Corporation under the State Bond Issuance Charge.	<a href="#"><u>25</u></a>

<b>PART</b>	<b>DESCRIPTION</b>	<b>STARTING PAGE NUMBER</b>
BB	Authorize and direct the Comptroller to receive for deposit to the credit of the General Fund a payment of up to \$913,000 from the New York State Energy Research and Development Authority.	<a href="#">26</a>
CC	Authorize the New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation's climate change program, from assessments on gas and electric corporations.	<a href="#">27</a>
DD	Eliminate the sunset of the Waste Tire Management and Recycling Fee; expand the authorized purposes of the Waste Tire Management and Recycling Fund; and rename the fund the Waste Management and Cleanup Fund.	<a href="#">28</a>
EE	Reduce fiscal and administrative burdens on the Department of Environmental Conservation regarding public notice requirements and annual report requirements, and provide for mutual aid and assistance between other states in the forest fire protection compact.	<a href="#">29</a>
FF	Reduce the amount of real estate transfer tax revenue deposited into the Environmental Protection Fund.	<a href="#">31</a>
GG	Reduce the authorized reimbursement rate paid to governmental entities that voluntarily enforce the provisions of the Navigation Law.	<a href="#">32</a>
HH	Expand the authorized use of funds in the Snowmobile Trail Development and Maintenance Fund.	<a href="#">32</a>

## MEMORANDUM IN SUPPORT

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

AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for state fiscal year 2010-2011 (Part A); to amend the highway law and the state finance law, in relation to modifying the distribution of funds (Part B); to amend the environmental conservation law, in relation to the diesel emissions reduction act (Part C); to amend the tax law, in relation to mortgage recording tax exemptions granted by industrial development agencies (Part D); to amend chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program, in relation to extending such provisions (Part E); to amend the public authorities law, in relation to the ownership status of transit facilities (Part F); to amend the insurance law, in relation to extending owner controlled insurance programs in certain instances (Part G); to amend the public authorities law, in relation to permitting the NYCTA and the MTA to conduct pilot programs to purchase procurements using electronic bidding and related reverse auction technology; and providing for the repeal of such provisions upon the expiration thereof (Part H); to amend the public authorities law, in relation to limited liability for specified forms of conduct (Part I); to amend the vehicle and traffic law, in relation to motor vehicle accident reports; and to repeal certain provisions of such law relating thereto (Part J); to amend the vehicle and traffic law, in relation to the mailing of suspension and revocation orders (Part K); to amend the public authorities law, in relation to the elimination of the department of economic development and the New York state urban development corporation and consolidation of their affairs into, and the transfer of their powers and functions to, the New York job development authority to be renamed the New York state job development

corporation (Part L); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to New York state higher education matching grant program for independent colleges, in relation to the effectiveness thereof (Part M); to amend the New York state urban development corporation act, in relation to creating a small business revolving loan fund (Part N); to amend the New York state urban development corporation act, in relation to creating the new technology seed fund (Part O); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part P); authorizing the New York state urban development corporation to make contributions to various projects from excess funds received from the port authority of New York and New Jersey (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to equine drug testing (Part R); to amend the state finance law, in relation to the transfer of tribal compact revenue to the general fund (Part S); to amend the agriculture and markets law and the general municipal law, in relation to the licensing, identification and control of dogs; and to repeal certain provisions of the agriculture and markets law relating thereto (Part T); to amend the education law, in relation to authorizing state agencies to enter into memoranda of understanding with Cornell University to procure services and technical assistance (Part U); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part V); to amend chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, in relation to establishing protocols for professional mixed martial arts events in this state; to amend the tax law, in relation to the imposition of a tax on the gross receipts of any person holding any professional or amateur boxing, sparring or wrestling match or exhibition, or professional mixed martial arts match or exhibition; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend chapter 21 of the laws of 2003, amending the

executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending such provisions (Part X); to amend the executive law, in relation to the community services block grant program and to amend chapter 728 of the laws of 1982 and chapter 710 of the laws of 1983 amending the executive law relating to the community services block grant program, in relation to extending such program for one year (Part Y); to amend the not-for-profit corporation law, in relation to the classification of type C not-for-profit corporations (Part Z); to amend the public authorities law, in relation to including the New York city housing development corporation under the state bond issuance charge (Part AA); to authorize and direct the New York State energy research and development authority to make a payment to the general fund of up to \$913,000 (Part BB); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part CC); to amend the environmental conservation law and the state finance law, in relation to waste tire management and recycling fees (Part DD); to amend the environmental conservation law and the state finance law, in relation to publication of certain notices, eliminating certain boards and reporting requirements, streamlining certain statutory requirements, and to provide for mutual aid and assistance between New York state and any state which is party to another regional forest fire protection compact; to amend the environmental conservation law, relating to sales of products from reforestation areas; to repeal subdivision 11 of section 9-1103 and subdivision 5 of section 9-1105 of the environmental conservation law, relating to permits for open burning; and to repeal certain provisions of the environmental conservation law relating to reports of the department of environmental conservation (Part EE); to amend the tax law, in relation to real estate transfer tax revenue deposits into the environmental protection fund (Part FF); to amend the navigation law, in relation to the authorized reimbursement rate paid to



governmental entities (Part GG); and to amend the parks, recreation and historic preservation law, in relation to expanding the usage of funds in the snowmobile trail development and maintenance fund (Part HH)

**PURPOSE:**

This bill contains provisions needed to implement the Transportation, Economic Development and Environmental Conservation portions of the 2010-11 Executive Budget.

This memorandum describes Parts A through HH of the bill which are described wholly within the parts listed below.

**Part A – Provide the annual authorization for the CHIPS and Marchiselli programs.**

Purpose:

This bill would authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli program for State Fiscal Year 2010-11.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill authorizes the CHIPS and Marchiselli capital aid programs to counties, cities, towns and villages for State Fiscal Year 2010-11 at \$363.1 million and \$39.7 million respectively.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget.

Effective Date:

This bill takes effect immediately.

**Part B – Consolidate the Department of Transportation's Accident Damage Account with the Dedicated Highway and Bridge Trust Fund.**

Purpose:

This proposal would achieve budget savings by consolidating revenues and disbursements of the Accident Damage Account within the Dedicated Highway and Bridge Trust Fund.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This proposal would consolidate highway and bridge maintenance activities, for which both funds are used, within the Dedicated Highway and Bridge Trust Fund. During this transition, \$750,000 of recurring budget savings associated with reduced maintenance

activities will accrue to the Trust Fund. The Accident Damage Account, administratively created, will be administratively abolished by the Department of Transportation.

Additional Trust Fund revenues will also help the Trust Fund continue to meet its debt service coverage ratio (recent revenues divided by future debt service), which is necessary for the Trust Fund to issue additional bonds to finance transportation projects.

Existing Highway Law allows the Department of Transportation to collect penalties derived from highway and bridge accidents that occur on State infrastructure, in amounts sufficient to allow the State to repair its infrastructure.

This proposal modifies Highway Law to deposit revenues derived from accidents into the Dedicated Highway and Bridge Trust Fund. Sections 2 and 3 modify State Finance Law to deposit revenues derived from accidents into the Dedicated Highway and Bridge Trust Fund.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget and achieve \$750,000 of recurring savings through consolidation activities, also improving the annual debt service coverage ratio of the Dedicated Highway and Bridge Trust Fund.

Effective Date:

This bill takes effect immediately.

**Part C – Establish a waiver process so that transit systems and State agencies and authorities that operate diesel vehicles, and those that operate diesel vehicles on their behalf, do not have to install pollution devices on older vehicles if those vehicles will be retired within 3 years.**

Purpose:

This bill would provide savings to State transit systems and agencies and authorities such as the New York State Department of Transportation (DOT) that operate heavy duty diesel powered vehicles, by requiring that the Department of Environmental Conservation (DEC) waive the installation of required emission reduction technology for vehicles that will be taken out of service within 3 years.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Under Environmental Conservation Law § 19-0323, heavy duty diesel vehicles that are owned by, operated by or on behalf of, or leased by a State agency or a State or

regional public authority with more than half of its governing board appointed by the Governor, must utilize the best available technology for reducing the emission of pollutants. All vehicles that are not already factory-equipped with emission-filtering technology must be retrofitted with this technology according to the following schedule: 33 percent of vehicles by 2008, 66 percent by 2009 and 100 percent by 2010.

Public transit systems such as the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the Rochester-Genesee Regional Transportation Authority (RGRTA), the Central New York Regional Transportation Authority (CNYRTA) and the Capital District Transportation Authority (CDTA), and State agencies such as DOT, have large diesel vehicle fleets with almost a third of their vehicles nearing the end of their useful life. To retrofit these older vehicles, which will be retired in a few years anyway, will cost millions of dollars.

This law will amend Environmental Conservation Law §19-0323 to require DEC to issue a waiver for a vehicle that will be taken out of service by December 31, 2013, thereby saving transit systems \$36 million and DOT \$1.4 million in 2010.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it results in savings of approximately \$1.4 million to the State and provides savings of approximately \$36 million to the State's transit authorities. While the savings to the State's transit authorities do not have a direct State fiscal impact, these savings reduce those authorities' need for additional State aid, and provide partial mitigation for the State Deficit Reduction Plan (DRP) which reduced State aid to the MTA by \$141 million and to other transit systems by \$16 million in 2009-10.

Effective Date:

This bill takes effect immediately.

**Part D – Eliminate the ability of an Industrial Development Agency to grant an exemption on the additional portion of the Mortgage Recording Tax that is dedicated to transit systems.**

Purpose:

This bill would increase transit system revenues by eliminating the ability of Industrial Development Agencies (IDAs) to grant an exemption on the additional portion of the Mortgage Recording Tax dedicated to transit systems.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Under current law, IDAs are authorized to extend their tax exemption status to projects they are financing. A portion of the Mortgage Recording Tax called the Additional Tax is dedicated to transit systems. This Additional Mortgage Recording Tax is 30 cents per \$100 of mortgage in the Metropolitan Commuter Transportation District (MCTD) in which the Metropolitan Transportation Authority (MTA) operates, and 25 cents per \$100 of mortgage in all other counties served by transit systems.

This bill would amend Tax Law §253(2)(a) to eliminate the ability of IDAs to provide this exemption on the "additional" portion of the Mortgage Recording Tax, thereby generating \$20 million in annual revenues for transit systems.

Budget Implications:

While this bill does not have a direct State fiscal impact, elimination of this tax exemption would reduce the MTA's and other transit system's need for additional State aid, and it will provide partial mitigation for the State Deficit Reduction Plan (DRP) which reduced State aid to the MTA by \$141 million and to other transit systems by \$16 million in 2009-10.

Effective Date:

This bill takes effect July 1, 2010 and shall apply to mortgages secured after such date.

**Part E – Extend the Department of Transportation's Single Audit program for one year.**

Purpose:

This bill would extend, for one year, the provisions of Section 21 of the Transportation Law, which unifies and simplifies the audit process for State transportation assistance to municipalities and public authorities by aligning that process with the Federal single audit.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Section 2 of chapter 279 of the Laws of 1998 (Single Audit Program) as amended by section 1 of part A of chapter 59 of the laws of 2009, would be amended to extend the December 31, 2010 expiration date to December 31, 2011.

Section 21 of Transportation Law applies to municipalities and public authorities with annual State transportation assistance spending in excess of \$100,000 for programs administered by the New York State Department of Transportation (DOT). In cases

where such entity is already required to perform a Federal single audit under the Federal Single Audit Act of 1984, the current law allows an independent certified public accountant to conduct an audit of State funds received by a municipality at the same time and in the same format as they conduct the Federal audit, thereby satisfying State audit requirements and eliminating the need for examination by State auditors.

DOT benefits from having audit information collected in a uniform, simplified, reliable manner. Since the inception of Section 21, there has been a decrease in workload for DOT auditors, allowing more time for audits of State-only programs and smaller programs. The municipalities and authorities receive State transportation assistance benefit by performing both Federal and State audits in a unified and simplified manner.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. Absent this extender, the Department would incur approximately \$300,000 in additional annual auditing costs for these programs.

Effective Date:

This bill takes effect immediately.

**Part F – Eliminate the ability of the Metropolitan Transportation Authority (MTA) employees from receiving double the amount of workers’ compensation benefits when injuries occur on leased New York City property.**

Purpose:

This bill would provide savings to the Metropolitan Transportation Authority (MTA) by closing the workers’ compensation double payment loophole.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Under current law, when the MTA leases property from New York City and an accident occurs involving an MTA employee on the leased property, that employee can collect workers’ compensation benefits and also recover damages through a tort action against the City for which the MTA must reimburse the City. This proposal would amend the Public Authorities Law which provides that the MTA is the sole owner of this leased property with respect to all obligations and liabilities. This amendment would eliminate the ability of a small population of MTA employees, who work in facilities leased from the City, from collecting double payments. This would provide a \$6 million savings for the MTA.

Budget Implications:

This bill does not have a direct State fiscal impact; however, recurring expense reduction reduces the MTA's need for additional State or other revenues, and it will provide partial mitigation for the State deficit reduction plan (DRP) which reduced State aid to the MTA by \$141 million in 2009-10.

Effective Date:

This bill takes effect immediately.

**Part G – Extend owner controlled insurance to all MTA capital projects in order to provide savings to the Authority.**

Purpose:

This bill would provide savings to the Metropolitan Transportation Authority (MTA) by extending owner controlled insurance programs to all capital projects.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Under current law, the MTA is only authorized to provide insurance to contractors for subway and commuter rail capital projects. This bill would authorize the MTA to provide this insurance to contractors for bridge, tunnel and omnibus facilities. Extending the MTA's ability to offer this insurance to contractors would save the MTA \$500,000 in SFY 2010-11 and increase to a savings of \$2 million in SFY 2013-14.

Budget Implications:

This bill does not have a direct State fiscal impact; however, recurring expense reduction mitigates the MTA's need for additional State or other revenues, and it will provide partial mitigation for the State deficit reduction plan (DRP) which reduced State aid to the MTA by \$141 million in 2009-10.

Effective Date:

This bill takes effect immediately.

**Part H – Authorize the MTA to conduct a pilot program to test the use of electronic and reverse bidding.**

Purpose:

This bill would create a pilot for a more efficient and user-friendly procurement bidding system for the MTA in order to achieve savings by increasing the number of participants

in the bidding process, reducing the cost of receiving, tracking and opening sealed bids, and allowing second bids.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would authorize the MTA to conduct a pilot program to test the use of electronic and reverse bidding. This would allow the MTA to receive bids electronically and would provide that electronic posting of bids would constitute public openings and reading of bids. In addition, the MTA would be allowed to do reverse bidding by using the electronic system to inform bidders whether their bid is the lowest and allow submission of new bids if they are not. This bill provides a \$1 million annual savings to the MTA starting in SFY 2011-2012.

Budget Implications:

This bill does not have a direct State fiscal impact; however, recurring expense reduction mitigates the MTA's need for additional State or other revenues, and it will provide partial mitigation for the State deficit reduction plan (DRP) which reduced State aid to the MTA by \$141 million in 2009-10.

Effective Date:

This bill takes effect immediately and would expire and be deemed repealed on December 31, 2014.

**Part I – Eliminate the ability to sue the MTA when injuries result from reckless or deliberate conduct.**

Purpose:

This bill would provide savings to the Metropolitan Transportation Authority (MTA) by eliminating damages in cases where the claimant's injuries were the result of his or her own recklessness.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would eliminate the right of recovery in personal injury cases against the MTA in cases where the plaintiff's own reckless conduct caused his or her injuries. Similar legislation was introduced in the Senate in 2006. This bill would provide \$10 million in annual savings to the MTA.



Budget Implications:

This bill does not have a direct State fiscal impact. However, recurring savings may offset the MTA's need for additional State or other revenues, and may provide partial mitigation for the State deficit reduction plan (DRP) which reduced State aid to the MTA by \$141 million in 2009-10.

Effective Date:

This bill takes effect immediately.

**Part J – Increase the Law Enforcement Motor Vehicle Accident Report threshold from \$1,000 to \$3,000 and eliminate the requirement that motorists also file accident reports.**

Purpose:

This bill would amend the Vehicle and Traffic Law (VTL) to eliminate the requirement that motorists involved in an accident file a report with the Department of Motor Vehicles (DMV) and increase the threshold for police reports in certain accidents to \$3,000.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Under VTL §603, law enforcement officers are required to submit an accident report to DMV when the accident results in injury or death. Law enforcement officers may also file a report if property is damaged. VTL §605 provides that every person operating a motor vehicle that is involved in an accident resulting in injury, death or property damage in excess of \$1,000 must file an accident report with DMV. Therefore, in many cases, both police officers and motorists are required to file redundant reports concerning the same accident.

The \$1,000 property damage threshold is out-of-date because even minor repairs can exceed \$1,000. In addition, the information contained in motorist reports is often incomplete or inaccurate and adds little or nothing to the information contained in police reports. This bill will remove the burden on motorists of filing these duplicative reports. It will also save DMV money by removing the requirement that it process hundreds of thousands of motorist reports each year.

Section 1 of the bill would amend VTL §201(6) to eliminate the requirement that DMV make available accident reports on incidents that are not required to be filed by law.

Section 2 of the bill would amend subdivision VTL §603(1) to increase the property damage threshold to \$3,000. As a result, law enforcement will only be required to submit an accident report to DMV when there is injury, death, or the property damage exceeds \$3,000.

Section 3 of the bill would repeal VTL §605(a) and (c). As a result, motorists would not be required to file an accident report.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget to generate \$581,000 in annual savings for SFY 2010-11 and thereafter.

Effective Date:

This bill takes effect one hundred twenty days following enactment and applies to accidents occurring on or after the effective date.

**Part K – Allow the Department of Motor Vehicles to take advantage of bulk mailing rates by using the most up-to-date addressees provided by the United States Postal Service.**

Purpose:

This bill would allow the Department of Motor Vehicles (DMV) to take advantage of bulk mailing rates by using the updated addresses provided by the United States Postal Service (USPS) when mailing notices of revocation, suspension or other orders.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The United States Postal Service (USPS) provides a technological method by which current addresses can be applied to DMV's outgoing mail, and mandates use of this system in order to take advantage of the Postal Service's reduced bulk mailing rate.

The Vehicle and Traffic Law (VTL) currently requires that DMV mail suspension and revocation notices to the address last provided by the motorist. However, these addresses are frequently out-of-date because motorists move and update their address with the USPS but fail to do so with DMV. DMV's inability to use the USPS's up-to-date address information means it cannot take advantage of the bulk mailing rate.

This bill would amend various provisions of the VTL to clarify that notices of suspension or revocation and other orders of DMV may be mailed to either an address on file with the Department or to an address provided by the USPS.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget to generate \$250,000 in annual savings for 2010-11 and thereafter.

Effective Date:

This bill takes effect immediately.

**Part L – Consolidate the State’s Economic Development Agencies.**

Purpose:

This bill would eliminate the Department of Economic Development and the New York State Urban Development Corporation, and transfer certain functions to the New York State Job Development Corporation.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would restructure the State’s economic development agencies to further streamline and improve the delivery of economic development services to promote growth in the State’s traditional economy bases and to ensure that New York emerges as a leader in the knowledge, technology, and innovation-based economy.

The New York State Job Development Corporation, a reconstituted New York State Job Development Authority, would be vested with all the powers, functions, and duties of the Department of Economic Development and the Urban Development Corporation.

All State employees with existing civil service and collective bargaining rights and benefits would maintain such protection under the consolidation.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. This restructuring would save \$4.7 million in State taxpayer dollars.

Effective Date:

This bill takes effect immediately.

**Part M – Extend the New York State Higher Education Capital Matching Grant Program.**

Purpose:

This bill would extend the Higher Education Capital (HECap) Matching Grant Program for one additional year.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The 2005-06 Enacted Budget authorized the creation of the \$150 million HECap Matching Grant Program to support capital projects at the State's various independent colleges. Projects are selected through a formula-driven process and must have a three to one (non-State to State) dollar match by eligible academic institutions. To date, 123 projects totaling nearly \$126 million have been approved.

The HECap Program is set to expire on March 31, 2010. A one year extender will ensure that all funds are provided to the remaining eligible academic institutions in a fair and equitable manner.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget, which assumes that the entire \$150 million is provided to eligible academic institutions.

Effective Date:

This bill takes effect immediately.

**Part N – Establish a new Small Business Revolving Loan Fund.**

Purpose:

This bill would create a small business revolving loan fund to support the growth of small businesses across New York State.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would authorize the New York State Urban Development Corporation, or its successor entity, to make low-interest loans to community-based financial institutions which, in turn, would use the funds to make loans to small businesses with one hundred or fewer employees in New York State. The fund would be divided into two categories: a micro-loan category for loans under \$25,000 and a small loan category for loans over \$25,000. For any individual loan, State funds would not exceed 50 percent of the total loan amount or \$125,000, whichever is less.

Eligible uses would include working capital, debt refinancing, the acquisition of real property, or the acquisition of machinery and equipment.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. However, no funds of the State shall be provided until \$25 million is received by the New York Power Authority and credited to the General Fund.

Effective Date:

This bill takes effect immediately.

**Part O – Establish the New Technology Seed Fund.**

Purpose:

This bill would establish the New Technology Seed Fund to support the expansion of New York's emerging technology-based businesses.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would establish the New Technology Seed Fund that would invest in startup and early-stage small businesses in New York who have developed cutting edge breakthroughs in emerging technologies. Priority would be given to companies engaged in product development that demonstrate the most promising commercialization potential.

Resources would be provided to investment intermediaries to make seed and early-stage investments in emerging technology sector companies throughout the State. The lack of such capital is a critical problem for emerging technologies, and funding from conventional venture capital sources is difficult to secure for firms at this stage, particularly given the current economic environment.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget.

Effective Date:

This bill takes effect immediately.

**Part P – Make permanent the general loan powers of the New York State Urban Development Corporation.**

Purpose:

This bill would make permanent the general loan powers of the New York State Urban Development Corporation (UDC).

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Chapter 393 of the Laws of 1994 provides UDC with the general power to make loans. This authorization has been renewed annually and is currently set to expire on July 1, 2010.

Several similar bills repealing the sunset provision have previously been introduced, but not enacted. Provisions to extend the sunset date were enacted in each year since 1997.

Absent enactment of this bill, UDC will only be authorized to make loans in connection with certain State-funded economic development programs that include loan authorization.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget, which assumes that UDC will provide certain economic development assistance through loans, rather than grants. Absent this legislation, UDC could not fund loans approved through the Metropolitan Economic Revitalization Fund.

Effective Date:

This bill takes effect immediately.

**Part Q – Authorize support for the New York City Empowerment Zone, the New Technology Seed Fund and Governors Island.**

Purpose:

This bill would authorize up to \$46.4 million in excess funds received from the Port Authority of New York and New Jersey (PANYNJ) to be used for the New York City Empowerment Zone (NYCEZ), the New Technology Seed Fund, and the Governors Island Preservation and Education Corporation.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would authorize up to \$46.4 million in excess funds received from PANYNJ to be used as follows: \$29.4 million to NYCEZ; \$10 million for the New Technology Seed Fund; and \$7 million to the Governors Island Preservation and Education Corporation.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. The State receives payments from PANYNJ from the termination of leased space at the former World Trade Center site. These payments are held in reserve pursuant to provisions of Public Authorities Control Board resolutions 04-UD-838A and 06-UD-900. The 2010-11 Executive Budget recommends that a portion of the reserved funds support the State's remaining \$29.4 million obligation to the NYCEZ for redevelopment efforts in the communities of upper Manhattan and the South Bronx; \$10 million be deposited in the New Technology Seed Fund; and \$7 million be used for the continued redevelopment of Governors Island.

Effective Date:

This bill takes effect immediately.

**Part R – Allow equine drug testing to be conducted by a State college with an Equine Sciences Program.**

Purpose:

This bill would authorize the State Racing and Wagering Board to enter into a contract with any qualified vendor to conduct equine drug testing.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would remove the requirement that equine drug testing for all thoroughbred and harness racing in New York State be conducted exclusively by the New York State College of Veterinary Medicine at Cornell University under contract with the New York State Racing and Wagering Board. Removing this requirement would permit competitive bidding from other qualified State college vendors to ensure that equine drug testing services are provided at the lowest possible cost to the State.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because the State Financial Plan assumes \$540,000 in savings resulting from the authorization of competitive bidding for equine drug testing services.

Effective Date:

This bill takes effect immediately.

**Part S – Facilitate an efficient transfer of Tribal State Compact Revenue to the General Fund and make a technical correction to the distribution of the local share of such revenues associated with the Niagara Falls Casino.**

Purpose:

This bill would amend the State Finance Law to facilitate a more efficient transfer of the State's share of Native American Casino revenue to the General Fund and make a technical correction to the distribution of local share moneys associated with the Niagara Falls Casino.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Chapter 383 of the Laws of 2001 provided that the State share a portion of any revenues received from the Native American casinos with the municipal governments that host these facilities and transfer any remaining revenues to the General Fund. Payments received by the State from Native American casinos generally reflect lagged and/or partial-year payments. Current law assumes that the basis for General Fund transfers of the State share of such moneys is dependent on annual receipt of casino revenues. Since these payments do not flow to the State on that basis, the transfer of these funds to the State's General Fund can be significantly delayed.

This bill would amend State Finance Law § 99-h to facilitate a more efficient transfer of the State's share of Native American Casino revenue to the General Fund. Additionally, this bill would make a technical correction to the distribution of Niagara Falls Casino tribal compact moneys associated with the Niagara Falls Underground Railroad Heritage Commission.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget since the State Financial Plan assumes the transfer of money from the Tribal State Compact Revenue Account to the General Fund.

Effective Date:

This bill takes effective immediately.



**Part T – Eliminate the State's role in dog licensing while allowing municipalities more flexibility in maintaining their own licensing programs.**

Purpose:

This bill would eliminate the State's role in dog licensing so that it remains solely a function of local governments. Municipalities would keep all revenues and would be given broad discretion in how to implement a dog licensing program.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

In order to more efficiently administer dog licensing in New York State, this bill would amend the Agriculture and Markets Law to eliminate the State's role in dog licensing and authorize municipalities to establish their own licensing programs. Currently, the State's primary responsibility is to maintain a centralized licensing database and provide annual reminder notices to licensees, functions which can be easily handled by municipalities, who are already responsible for issuing the dog licenses.

Under this bill, all licensing revenue would remain with the municipality in which it is raised. This bill would also retain the existing provision that such revenue be expended solely on animal control-related programs. Currently, revenue is shared between the State (17 percent), counties (30 percent) and municipalities (53 percent). In reality, the county share is forfeited to municipalities as counties do not conduct animal control-related programs. Annually, the State and municipalities currently receive approximately \$305,000 and \$1.8 million in revenues respectively.

This bill would provide mandate relief to municipalities by allowing them broad discretion in implementing a dog licensing program. Certain State-level restrictions on fees would be lifted in addition to abolishing certain State requirements related to time frames for license issuance and effective time periods for licenses. In addition, this bill would eliminate the State's involvement in animal population control, and authorize municipalities to engage in their own animal population control efforts. However, the Commissioner of Agriculture and Markets would retain authority over inspections of municipal shelters and standards for dog control officers.

This bill would allow the Department of Agriculture and Markets to realize annual savings through operational efficiencies resulting from their disengagement from dog licensing, which is not a core mission program.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget, which assumes \$81,000 in net savings for SFY 2010-11, and annual net savings of \$325,000 thereafter, resulting from the elimination of the State's role in dog licensing. Currently,

the State expends approximately \$630,000 annually on dog licensing, but receives only approximately \$305,000 annually in licensing revenues.

Effective Date:

This bill takes effect on January 1, 2011.

**Part U – Authorize State agencies to enter into memoranda of understanding with Cornell University to procure services and technical assistance.**

Purpose:

This bill would authorize State agencies to enter into memoranda of understanding (MOUs) with Cornell University (Cornell), instead of contracts, to procure services and technical assistance.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

As New York's land grant university, Cornell engages in many research, education and extension projects with State government agencies, in such areas as agriculture and the environment, public health and labor, technology, education and children and families. Many of these programs have been in existence for decades and, until 2005, State agencies routinely entered into MOUs with Cornell as they do with SUNY and other State agencies, to set terms and conditions. In 2005, the Attorney General issued an opinion that required State agencies to contract with Cornell. This ruling has added significant cost to these agreements as Cornell must go through State procurement rules. Such rules are unnecessary in this context, given Cornell's status as the State's land grant university.

This bill would give State agencies the ability to use MOUs, when appropriate, to streamline their agreements with Cornell.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because this bill will result in savings to all State agencies that would no longer need to dedicate staff to review and execute contracts with Cornell where MOUs will be used instead.

Effective Date:

This act takes effect immediately.

**Part V – Authorize the Department of Health to finance certain activities with revenues generated from an assessment on cable television companies.**

Purpose:

This bill would authorize the Department of Health (DOH) to finance public service education activities with revenues generated from an assessment on cable television companies.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The bill would authorize certain expenditures of DOH as eligible expenses for cable television assessment revenue. Section 217 of the Public Service Law authorizes the Department of Public Service (DPS) to assess cable television companies for DPS costs associated with the regulation of cable television companies. This annual Article VII bill also makes DOH public service education expenses, charged to the special revenue cable television account, eligible for this funding. Chapter 59 of the Laws of 2009 provided similar authorization.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it ensures the recovery of public service education expenses incurred by DOH, as provided for in the Financial Plan. A \$454,000 appropriation is included in DOH's budget for these activities.

Effective Date:

This bill takes effect immediately.

**Part W – Authorize the conduct and regulation of professional mixed martial arts sporting events in New York State.**

Purpose:

This bill would establish a regulatory framework whereby the New York State Athletic Commission (Commission) would govern the conduct of professional mixed martial arts (MMA) competitions in the State. This bill empowers the Commission to license participants in MMA matches and promulgate rules and regulations to ensure the safety and integrity of the sport. The bill would also make provision for the State to tax gross receipts from ticket sales and broadcasting rights related to professional MMA events held in the State.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Professional mixed martial arts has a rapidly expanding fan base, and 40 states currently regulate the sport. Historically, New York has banned professional MMA competitions due to safety concerns stemming from a lack of uniform standards and regulations governing the sport. In recent years, however, standards have been developed and implemented and are accepted by the states that currently regulate MMA. These advances in the safety and integrity of professional MMA, coupled the economic benefits associated with MMA events, make it more appealing to New York in a context of careful regulatory oversight. To that end, this bill defines the sport of MMA; permits its addition to the list of contact sports sanctioned by the Commission; authorizes the Commission's Medical Advisory Board to establish rules, regulations and procedures that ensure the safety of the sport; and empowers the Commission with sole jurisdiction over MMA competitions including the licensing of all participants and the promulgation and enforcement of regulations. The bill also provides for a State tax of 8.5 percent on gross receipts from MMA event ticket sales and a tax on broadcasting rights equal to the lesser of 3 percent of the contract value or \$50,000.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget as the State Financial Plan assumes \$1.37 million in recurring net revenues resulting from the authorization of professional mixed martial arts sporting events in New York.

Effective Date:

This bill takes effect 120 days following its enactment.

**Part X – Extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents.**

Purpose:

This bill would extend for one year provisions of law permitting the Secretary of State to charge increased fees for the expedited handling of documents issued by or requested from the Department's Division of Corporations. The increased fees for expedited handling are necessary to reimburse the Department of State for increased administrative costs associated with expedited handling.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The Executive Law currently authorizing the Secretary of State to charge increased fees for expedited handling expires March 31, 2010. Historically, this statute has been extended annually to coincide with the enactment of the annual Budget.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. The 2010-11 Executive Budget assumes that expedited handling fees will be enacted since the costs associated with expedited handling are greater than those associated with traditional requests. Failure to enact this bill will result in annual revenue losses of approximately \$3.5 million, forcing the Department to bear the additional costs related to expedited services without supporting revenues.

Effective Date:

This bill takes effect immediately.

**Part Y – Extend the fund distribution formula for the Community Services Block Grant Program one year.**

Purpose:

This bill would extend for one year the distribution formula for the Community Services Block Grant Program.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Section 150-i of the Executive law relating to the distribution formula for the Federal Community Services Block Grant (CSBG) Program expires on September 30, 2010. Historically, this statute has been extended annually to authorize the Department of State (DOS) to distribute Federal grant awards to community action agencies.

Budget Implications:

DOS has administered the CSBG Program since 1982. The Department's authority to distribute CSBG funds is predicated upon the receipt of funding from the Federal government. The Department anticipates continued Federal funding for the CSBG Program, and the State Financial Plan assumes these funds will be disbursed during the 2010-11 State Fiscal Year. Therefore, enactment of this bill is necessary to implement the 2010-11 Executive Budget.

Effective Date:

This bill takes effect immediately.

## **Part Z – Streamline the classification of Not-For Profit Corporations.**

### Purpose:

This proposal would amend the Not-for-Profit Corporation Law to combine the Type C classification of not-for-profit corporations with the Type B classification.

### Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The use of the “Type” classification system is unique to New York Law. This system unnecessarily complicates the formation and regulation of not-for-profit corporations. The formation of new corporations is often delayed due to the inclusion of an incorrect Statement of Type in the proposed certificate of incorporation. Additionally, the Department of State (DOS) has been advised by practitioners that not-for-profit corporations classified as “Type C” frequently encounter difficulties in receiving IRS tax exemption as a result of such classification. This bill would simplify the current classification system by combining the “Type C” and “Type B” classes of not-for-profit corporations into a new “Type B” classification. Elimination of the “Type C” classification will encourage and simplify the formation of not-for-profit corporations in New York State. It would also streamline the work of the Department of State and, therefore, allow for more efficient use of agency resources.

### Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it provides for operating efficiencies in the Department of State.

### Effective Date:

This bill takes effect immediately.

## **Part AA – Include the New York City Housing Development Corporation under the State Bond Issuance Charge.**

### Purpose:

This bill would amend the Public Authorities Law (“PAL”) to require the New York City Housing Development Corporation (“HDC”) to pay the State Bond Issuance Charge (BIC).

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would amend PAL § 2976(1) to include the New York City Housing Development Corporation among the bond-issuing public benefit corporations that must pay to the State a BIC upon the issuance of such bonds.

PAL § 2976(1) provides that public benefit corporations (including, for purposes of this section, Industrial Development Agencies created pursuant to General Municipal Law Article 18-A, Title 1) which issue bonds, must pay to the State a BIC upon the issuance of such bonds in an amount determined pursuant to PAL § 2976(2).

The Housing Development Corporation (HDC) is one of the largest debt issuing public authorities in the State not currently liable for the BIC upon its bond issues. Due to the volume and nature of HDC bond issues, a significant level of centralized State resources are utilized to facilitate the issuance of HDC debt. Imposition of the BIC upon HDC will permit the State to recoup costs associated with HDC bond issues.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget which contemplates the receipt of \$3 million in annual revenues resulting from the inclusion of the New York City Housing Development Corporation under the State Bond Issuance Charge.

Effective Date:

This bill takes effect immediately.

**Part BB – Authorize and direct the Comptroller to receive for deposit to the credit of the General Fund a payment of up to \$913,000 from the New York State Energy Research and Development Authority.**

Purpose:

This bill would authorize and direct the Comptroller to receive for deposit to the credit of the General Fund a payment of up to \$913,000 from the New York State Energy Research and Development Authority (NYSERDA).

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would authorize and direct the Comptroller to receive for deposit to the credit of the General Fund a payment of up to \$913,000 from NYSERDA from unrestricted corporate funds. The \$913,000 transfer will help offset New York State's debt service

requirements relating to the Western New York Nuclear Service Center (West Valley). Chapter 59 of the Laws of 2009 provided a similar one year authorization.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it authorizes the Comptroller to accept from NYSERDA \$913,000 in payments to the General Fund as provided in the Financial Plan.

Effective Date:

This bill takes effect immediately.

**Part CC – Authorize New York State Energy Research and Development Authority to finance a portion of its research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation’s climate change program, from assessments on gas and electric corporations.**

Purpose:

This bill would authorize the New York State Energy Research and Development Authority (NYSERDA) to obtain revenue for certain programs from a special assessment on gas corporations and electric corporations collected pursuant to section 18-a of the Public Service Law.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The bill would authorize NYSERDA to finance its research, development and demonstration, and policy and planning programs from a special assessment on gas corporations and electric corporations. This year, the NYSERDA appropriation would also finance the DEC climate change program for the first time. Section 18-a of the Public Service Law authorizes the Department of Public Service to assess gas corporations and electric corporations for expenses related to administering Public Service Law programs. This is a special assessment, in addition to the section 18-a assessment, which has been proposed annually as an Article VII provision, and a similar bill was last enacted as Part Y of Chapter 59 of the Laws of 2009. Without this authorization, NYSERDA and DEC could not continue to implement necessary programs in the 2010-11 State Fiscal Year.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it authorizes the collection of assessments to fund NYSERDA’s research, development and demonstration, and policy and planning programs and, as set forth in the



appropriation, DEC's climate change program. A \$16.2 million appropriation is included in NYSERDA's budget for these programs.

Effective Date:

This bill takes effect immediately.

**Part DD – Eliminate the sunset of the Waste Tire Management and Recycling Fee; expand the authorized purposes of the Waste Tire Management and Recycling Fund; and rename the fund the Waste Management and Cleanup Fund.**

Purpose:

This bill would eliminate the sunset applicable to the Waste Tire Management and Recycling Fee (the “Fee”). The Waste Tire Management and Recycling Fund will be renamed the Waste Management and Cleanup Fund (the “Fund”) and the authorized purposes of the Fund will be expanded.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Environmental Conservation Law Article 27, Title 19, enacted in 2003, set forth New York State's priorities for the management of waste tires, established the \$2.50 fee charged on each new tire sold, and enumerated the purposes of the Fund to be used to abate noncompliant waste tire stockpiles. The requirement to collect the \$2.50 fee and remit it to the Department of Taxation and Finance is scheduled to sunset on December 31, 2010.

Eliminating the December 31, 2010 sunset and expanding the purposes of the Fund would ensure that adequate monies continue to be available to the Department of Environmental Conservation (DEC) for the regulation of waste tire storage facilities and abatement of noncompliant waste tire stockpiles. The Fund would also be used to administer and enforce other provisions of the Environmental Conservation Law in relation to the collection, treatment, disposal, and management of solid and hazardous wastes.

Section 1 of the bill would remove the December 31, 2010 sunset of the requirement that a tire service accept waste tires from consumers and post the statutory notice of the requirement.

Sections 2 and 3 of the bill would effect a change in the name of the Fund from "Waste Tire Management and Recycling Fund" to "Waste Management and Cleanup Fund."

Section 4 of the bill would remove the December 31, 2010 sunset of the requirement that a tire service entity collect and remit the waste tire and management recycling fee,

and this section also would remove the March 31, 2011 sunset of the requirement that a tire service submit reports to the Department of Taxation and Finance.

Section 5 of the bill would expand the purposes for which the Fund may be used to include the administration and enforcement of Article 27 of the Environmental Conservation Law, not including Title 13 (Inactive Hazardous Waste Disposal Sites) and Title 14 (Brownfield Cleanup Program).

Section 6 of the bill would clarify that in addition to waste tire management and recycling fees, the Fund may also accept other moneys authorized by law.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it would continue revenue that will be used to offset DEC General Fund costs, resulting in approximately \$10 million of Financial Plan savings.

Effective Date:

This bill would take effect immediately.

**Part EE – Reduce fiscal and administrative burdens on the Department of Environmental Conservation regarding public notice requirements and annual report requirements, and provide for mutual aid and assistance between other states in the forest fire protection compact.**

Purpose:

The bill would reduce fiscal and administrative burdens on the Department of Environmental Conservation (DEC) by:

- Establishing uniform public notice requirements;
- Repealing certain annual report requirements;
- Streamlining specific statutory requirements; and
- Providing for mutual aid and assistance between New York State and any state which is party to another regional forest fire protection compact.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The bill would streamline and make uniform the publication requirements for numerous DEC actions which are subject to publication of a notice in a newspaper. It would also eliminate several cumbersome reporting requirements. DEC has not had a request for these reports, and therefore the reports have not been issued.

Sections 1 through 11 of this bill would amend various sections of the Environmental Conservation Law (ECL) to create uniform requirements for public notices and, in some cases, allow DEC to charge applicants for the cost of some publication and hearings costs. In addition, section 2 would make the contract approval threshold for timber sales the same as the current contract approval threshold for procurement.

Sections 12 through 21 of this bill would amend various sections of the ECL to delete certain annual reporting requirements and, in some cases, allow the reports to be published as the DEC Commissioner deems advisable or provide a summary on the DEC public website.

Sections 22 and 23 of this bill would amend ECL § 24-0301(4), (5) and (6), and ECL § 25-0201(3), (4) and (5) in relation to mapping of freshwater wetlands and in relation to inventory of tidal wetlands. These changes would streamline the notice provisions and require publication in the Environmental Notice Bulletin (ENB) and on DEC's website, and provide that a map would be sent to a local government upon request, either as a physical copy of the final wetlands or tidal wetlands map or, if the local government prefers and it is available, a digital file that represents it.

Section 24 of this bill would amend ECL § 27-0305(8), in relation to waste transporter permits, to change the permit renewal period from annual to at least every five years and to make a technical correction to clarify that the annual fee is established by Title 5 of ECL Article 72 and not through regulations.

Section 25 of this bill would amend ECL § 72-0402(4), in relation to annual hazardous waste program fees to provide that all bills shall be based on actual hazardous waste generated in the prior calendar year, eliminating the option for bills based on estimated amounts of waste generated; except that in the first year of implementation, bills would be based on the average quantity of hazardous waste generated for the previous three calendar years.

Sections 26 and 27 of this bill would repeal ECL § 9-1103(11) and ECL § 9-1105(5) which relate to permits for open burning. ECL § 9-1103(11) authorizes DEC to designate persons to issue open burning permits. ECL § 9-1105(5) requires a permit from DEC prior to any open burning of logs, leaves, sawdust, slabs, brush, stumps, dry grass or other debris, in any of the fire towns. Such burning is prohibited by DEC regulation.

Section 28 of this bill would amend ECL § 9-1123 - the Northeastern Interstate Forest Fire Protection Compact - to add a new Article XV to make operative the mutual aid provisions of Article IX of the Compact between New York and any other state which is party to another regional forest fire protection compact, provided that state has given its consent to the mutual aid provisions of the Compact.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it would provide savings of approximately \$200,000 annually.

Effective Date:

This bill takes effect immediately.

**Part FF – Reduce the amount of real estate transfer tax revenue deposited into the Environmental Protection Fund.**

Purpose:

This bill would reduce the amount of real estate transfer tax (RETT) revenue deposited into the Environmental Protection Fund (EPF) beginning in fiscal year 2010-11 from \$199.3 million to \$132.3 million. Additionally, references made to deposits related to previous fiscal years are removed.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would amend section 1421 of Tax Law to reduce the amount of real estate transfer tax (RETT) revenue deposited into the Environmental Protection Fund (EPF) beginning in fiscal year 2010-11 from \$199.3 million to \$132.3 million in order to align the revenues with the proposed reduction in EPF appropriations. The bill would also remove references related to RETT deposits made to the EPF in previous fiscal years.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget. Due to the Executive Budget proposal to reduce the Environmental Protection Fund (EPF) appropriations, the revenues into the fund must also be reduced. Any RETT receipts in excess of the amount deposited into the EPF are deposited into the Clean Water/Clean Air Fund. Such receipts in excess of amounts required for debt service on bonds authorized by the Clean Water/Clean Air Bond Act of 1996 would then be available for transfer to the General Fund pursuant to State Finance Law § 97-bbb.

Effective Date:

This bill takes effect immediately.

**Part GG – Reduce the authorized reimbursement rate paid to governmental entities that voluntarily enforce the provisions of the Navigation Law.**

Purpose:

This bill would reduce the authorized reimbursement rate paid to governmental entities that voluntarily enforce the Navigation Law from 75 percent to 50 percent.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

The bill would amend the Navigation Law to reduce the authorized reimbursement rate paid to governmental entities that voluntarily enforce the provisions of the Navigation Law from 75 percent to 50 percent.

The bill would also make several non-substantive technical corrections including the replacement of the masculine pronoun with the gender neutral term “commissioner” and adding the appropriate reference to Vehicle and Traffic Law § 2251.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget in order to achieve Financial Plan savings.

Effective Date:

This bill takes effect immediately.

**Part HH – Expand the authorized use of funds in the Snowmobile Trail Development and Maintenance Fund.**

Purpose:

This bill would expand the use of funds in the Snowmobile Trail Development and Maintenance Fund to include all recreational activities on State lands.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

Current law allows the commissioners of the Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation to use up to 30 percent of the funds in the Snowmobile Trail Development and Maintenance Fund specifically for the development and maintenance of snowmobile trails on State owned land. This bill would expand this authorization to include development and maintenance of any recreational activities on State owned land.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget to allow the State to receive the full 30 percent share of the funds without impacting local grant funding.

Effective Date:

This bill takes effect immediately.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.