

1 § 8. This act shall take effect immediately; and shall be deemed to
2 have been in full force and effect on and after March 1, 2009.

3

PART HH

4 Section 1. Subdivision 1 of section 101 of the general municipal law,
5 as amended by section 1 of part MM of chapter 57 of the laws of 2008, is
6 amended and a new subdivision 6 is added to read as follows:

7 1. Except as otherwise provided in section two hundred twenty-two of
8 the labor law, every officer, board or agency of a political subdivision
9 or of any district therein, charged with the duty of preparing specifi-
10 cations or awarding or entering into contracts for the erection,
11 construction, reconstruction or alteration of buildings, when the entire
12 cost of such public work shall exceed [~~three~~ ten million dollars in the
13 counties of the Bronx, Kings, New York, Queens, and Richmond; one
14 million five hundred thousand dollars in the counties of Nassau, Suffolk
15 and Westchester; and five hundred thousand dollars in all other counties
16 within the state, shall prepare separate specifications for the follow-
17 ing three subdivisions of the work to be performed:

- 18 a. Plumbing and gas fitting;
19 b. Steam heating, hot water heating, ventilating and air conditioning
20 apparatus; and
21 c. Electric wiring and standard illuminating fixtures.

22 6. Notwithstanding subdivision one of this section and any other law
23 to the contrary, any contract, subcontract, lease, grant, bond, coven-
24 ant, or other agreement for projects undertaken by school districts
25 shall not be subject to the requirements of separate specifications
26 (referred to as the Wicks Law).

27 § 2. Paragraph (b) of subdivision 7 of section 120-w of the general
28 municipal law, as amended by section 2 of part MM of chapter 57 of the
29 laws of 2008, is amended to read as follows:

30 (b) Except as otherwise provided in section two hundred twenty-two of
31 the labor law, when the entire cost of constructing such building shall
32 exceed [~~three~~ ten million dollars in the counties of the Bronx, Kings,
33 New York, Queens, and Richmond; one million five hundred thousand
34 dollars in the counties of Nassau, Suffolk and Westchester; and five
35 hundred thousand dollars in all other counties within the state, the
36 project developer shall prepare separate specifications for the follow-
37 ing subdivisions of such work, so as to permit separate and independent
38 bidding upon each subdivision:

- 39 (i) plumbing and gas fittings;
40 (ii) steam heating, hot water heating, ventilating and air condition-
41 ing apparatus; and
42 (iii) electric wiring and standard illuminating fixtures.

43 § 3. The opening paragraph of section 135 of the state finance law, as
44 amended by section 3 of part MM of chapter 57 of the laws of 2008, is
45 amended to read as follows:

46 Except as otherwise provided in section two hundred twenty-two of the
47 labor law, every officer, board, department, commission or commissions,
48 charged with the duty of preparing specifications or awarding or enter-
49 ing into contracts for the erection, construction or alteration of
50 buildings, for the state, when the entire cost of such work shall exceed
51 [~~three~~ ten million dollars in the counties of the Bronx, Kings, New
52 York, Queens, and Richmond; one million five hundred thousand dollars in
53 the counties of Nassau, Suffolk and Westchester; and five hundred thou-
54 sand dollars in all other counties within the state, must have prepared

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1 separate specifications for each of the following three subdivisions of
2 the work to be performed:

3 § 4. Subdivision 1 of section 151-a of the public housing law, as
4 amended by section 4 of part MM of chapter 57 of the laws of 2008, is
5 amended to read as follows:

6 1. Notwithstanding any inconsistent provision of this chapter or any
7 other general, special or local law, except as otherwise provided in
8 section two hundred twenty-two of the labor law, any authority or muni-
9 cipality, or any officer, board, department, commission or other agency
10 thereof charged with the duty of preparing specifications or awarding or
11 entering into contracts involving the erection, construction, recon-
12 struction or alteration of any building or other appurtenance as a part
13 of or in connection with a project or any part thereof in any part of
14 the state under or pursuant to the authority of this chapter, when the
15 entire cost of such work shall exceed [~~three~~] ten million dollars in the
16 counties of the Bronx, Kings, New York, Queens, and Richmond; one
17 million five hundred thousand dollars in the counties of Nassau, Suffolk
18 and Westchester; and five hundred thousand dollars in all other counties
19 within the state, must have prepared separate specifications for the
20 following three subdivisions of the work to be performed:

- 21 a. Plumbing and gas fitting;
- 22 b. Steam heating, hot water heating, ventilating and air conditioning
23 apparatus; and
- 24 c. Electric wiring and standard illuminating fixtures.

25 § 5. Subdivisions 2 and 2-a of section 458 of the education law,
26 subdivision 2 as amended and subdivision 2-a as added by section 5 of
27 part MM of chapter 57 of the laws of 2008, are amended to read as
28 follows:

29 2. [~~Except as otherwise provided in section two hundred twenty-two of
30 the labor law, every contract, lease or other agreement entered into by
31 or on behalf of the fund for the acquisition, lease, construction,
32 reconstruction, rehabilitation or improvement of the school portion of
33 the work in any combined occupancy structure shall contain a provision
34 that, when the entire cost of any such contemplated construction, recon-
35 struction, rehabilitation or improvement for the school portion of the
36 work shall exceed three million dollars in the counties of the Bronx,
37 Kings, New York, Queens, and Richmond; one million five hundred thousand
38 dollars in the counties of Nassau, Suffolk and Westchester; and five
39 hundred thousand dollars in all other counties within the state, sepa-
40 rate specifications shall be prepared for the following three subdivi-
41 sions of the work on the school portion to be performed:~~

- 42 ~~a. Plumbing and gas fitting;~~
- 43 ~~b. Steam heating, hot water heating, ventilating and air conditioning
44 apparatus; and~~
- 45 ~~c. Electric wiring and standard illuminating fixtures.~~

46 ~~Such specifications shall be drawn so as to permit the letting of
47 separate and independent contracts for each of the above three subdivi-
48 sions of work. Within the above three subdivisions of work, any equip-
49 ment, apparatus and/or installations which shall be designed to service
50 the entire combined occupancy structure shall be included within the
51 school portion of the work or let as separate and independent contracts
52 even if physically located within the non-school portion of the work.]~~

53 Except as otherwise provided by the public housing law, the provisions
54 of which shall apply when the developer is the New York city housing
55 authority, every developer or general contractor undertaking the
56 construction, reconstruction, rehabilitation or improvement of any such

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1 combined occupancy structure pursuant to or in furtherance of the
2 provisions of this article shall let [~~separate~~] contracts to the lowest
3 responsible bidder for the [~~three subdivisions of the above specified~~]
4 work to persons, firms or corporations approved by the chairman of the
5 fund as being qualified, responsible and reliable bidders engaged in
6 these classes of work. All such qualified bidders engaged in [~~the above~~
7 ~~specified~~] **this** work shall be entitled to bid and to receive, upon
8 request, a copy of the plans and specifications. All such bids shall be
9 submitted to the fund and shall be opened publicly at a stated time and
10 place.

11 2-a. Each bidder on a public work contract [~~, where the preparation of~~
12 ~~separate specifications is not required,~~] shall submit with its bid a
13 separate sealed list that names each subcontractor that the bidder will
14 use to perform work on the contract, and the agreed-upon amount to be
15 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot
16 water heating, ventilating and air conditioning apparatus and c. elec-
17 tric wiring and standard illuminating fixtures. After the low bid is
18 announced, the sealed list of subcontractors submitted with such low bid
19 shall be opened and the names of such subcontractors shall be announced,
20 and thereafter any change of subcontractor or agreed-upon amount to be
21 paid to each shall require the approval of the public owner, upon a
22 showing presented to the public owner of legitimate construction need
23 for such change, which shall be open to public inspection. Legitimate
24 construction need shall include, but not be limited to, a change in
25 project specifications, a change in construction material costs, a
26 change to subcontractor status as determined pursuant to paragraph (e)
27 of subdivision two of section two hundred twenty-two of the labor law,
28 or the subcontractor has become otherwise unwilling, unable or unavail-
29 able to perform the subcontract. The sealed lists of subcontractors
30 submitted by all other bidders shall be returned to them unopened after
31 the contract award.

32 § 6. Subdivisions 2 and 2-a of section 482 of the education law,
33 subdivision 2 as amended and subdivision 2-a as added by section 6 of
34 part MM of chapter 57 of the laws of 2008, are amended to read as
35 follows:

36 2. [~~Except as otherwise provided in section two hundred twenty two of~~
37 ~~the labor law, every contract, lease or other agreement entered into by~~
38 ~~or on behalf of the fund for the acquisition, lease, construction,~~
39 ~~reconstruction, rehabilitation or improvement of any combined occupancy~~
40 ~~structure shall contain a provision that, when the entire cost of any~~
41 ~~such contemplated construction, reconstruction, rehabilitation or~~
42 ~~improvement shall exceed three million dollars in the counties of the~~
43 ~~Bronx, Kings, New York, Queens, and Richmond, one million five hundred~~
44 ~~thousand dollars in the counties of Nassau, Suffolk and Westchester, and~~
45 ~~five hundred thousand dollars in all other counties within the state,~~
46 ~~separate specifications shall be prepared for the following three subdivi-~~
47 ~~sions of the work to be performed:~~

48 ~~a. Plumbing and gas fitting;~~
49 ~~b. Steam heating, hot water heating, ventilating and air conditioning~~
50 ~~apparatus; and~~
51 ~~c. Electric wiring and standard illuminating fixtures.~~

52 ~~Such specifications shall be drawn so as to permit the letting of~~
53 ~~separate and independent contracts for each of the above three subdivi-~~
54 ~~sions of work.] Except as otherwise provided by the public housing law,~~
55 the provisions of which shall apply when the developer is the Yonkers
56 city housing authority, every developer or general contractor undertak-

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1 ing the construction, reconstruction, rehabilitation or improvement of
2 any such combined occupancy structure pursuant to or in furtherance of
3 the provisions of this article shall let [~~separate~~] contracts to the
4 lowest responsible bidder for the [~~three subdivisions of the above spec-~~
5 ~~ified~~] work to persons, firms or corporations approved by the chairman
6 of the fund as being qualified, responsible and reliable bidders engaged
7 in these classes of work. All such qualified bidders engaged in [~~the~~
8 ~~above specified~~] **this** work shall be entitled to bid and to receive, upon
9 request, a copy of the plans and specifications. All such bids shall be
10 submitted to the fund and shall be opened publicly at a stated time and
11 place.

12 2-a. Each bidder on a public work contract [~~, where the preparation of~~
13 ~~separate specifications is not required,~~] shall submit with its bid a
14 separate sealed list that names each subcontractor that the bidder will
15 use to perform work on the contract, and the agreed-upon amount to be
16 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot
17 water heating, ventilating and air conditioning apparatus and c. elec-
18 tric wiring and standard illuminating fixtures. After the low bid is
19 announced, the sealed list of subcontractors submitted with such low bid
20 shall be opened and the names of such subcontractors shall be announced,
21 and thereafter any change of subcontractor or agreed-upon amount to be
22 paid to each shall require the approval of the public owner, upon a
23 showing presented to the public owner of legitimate construction need
24 for such change, which shall be open to public inspection. Legitimate
25 construction need shall include, but not be limited to, a change in
26 project specifications, a change in construction material costs, a
27 change to subcontractor status as determined pursuant to paragraph (e)
28 of subdivision two of section two hundred twenty-two of the labor law,
29 or the subcontractor has become otherwise unwilling, unable or unavail-
30 able to perform the subcontract. The sealed lists of subcontractors
31 submitted by all other bidders shall be returned to them unopened after
32 the contract award.

33 § 7. Subdivision 2 of section 1045-i of the public authorities law, as
34 amended by section 7 of part MM of chapter 57 of the laws of 2008, is
35 amended to read as follows:

36 2. Any such agreements (i) shall describe in sufficient detail for
37 reasonable identification the particular water project to be financed in
38 whole or in part by the authority, (ii) shall describe the plan for the
39 financing of the cost of the construction of such water project, includ-
40 ing the amount, if any, to be provided by the water board and the source
41 or sources thereof, (iii) shall set forth the method by which and by
42 whom and the terms and conditions upon which moneys provided by the
43 authority shall be disbursed, (iv) may require, in the discretion of the
44 authority, the payment to the authority of the proceeds of any state and
45 federal grants available to the water board, (v) shall provide for the
46 establishment of user fees, rates, rents and other charges and the
47 charging and collection thereof by the water board for the use of, or
48 services furnished, rendered or made available by such system such as to
49 provide that such board receive revenues at least sufficient, together
50 with other revenues of the board, if any, to meet the requirements of
51 subdivision one of section one thousand forty-five-j of this title,
52 provided that revenues received by such board shall be deposited in a
53 special fund established pursuant to this title and disbursed to, and
54 upon certification of, the authority, (vi) may provide for the transfer
55 by the city to the water board pursuant to section one thousand forty-
56 five-h of this title of ownership of the sewerage system or water

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1 system, or both, as the case may be, of which such project will form a
2 part by the city, (vii) shall provide for the construction and
3 completion of such water project by the city and for the operation,
4 maintenance and repair thereof as an integrated part of the system of
5 which such water project forms a part, subject to such terms and condi-
6 tions, not inconsistent with this title, which may be in the public
7 interest and necessary or desirable properly and adequately to secure
8 the holders of bonds of the authority, provided, however, all contracts
9 for public work and all purchase contracts shall be awarded by the city
10 as provided by law for the award of such contracts by the city and that
11 all contracts for construction shall be let in accordance with the
12 provisions of state law pertaining to prevailing wages, labor standards
13 and working hours. Except as otherwise provided in section two hundred
14 twenty-two of the labor law, when the entire cost of constructing a
15 building as part of any water project shall exceed [~~three~~ **ten** million
16 dollars, the city shall prepare separate specifications for the follow-
17 ing three subdivisions of the work to be performed: (a) plumbing and gas
18 fitting; (b) steam heating, hot water heating, ventilating and air
19 conditioning apparatus; and (c) electric wiring and standard illuminat-
20 ing fixtures, (viii) shall provide for the discontinuance or discon-
21 nection of the supply of water or the provision of sewerage service, or
22 both, as the case may be, for non-payment of fees, rates, rents or other
23 charges therefor imposed by the water board, provided such discontin-
24 uance or disconnection of any supply of water or the provision of sewer-
25 age service, or both, as the case may be, shall not be carried out
26 except in the manner and upon the notice as is required of a waterworks
27 corporation pursuant to subdivisions three-a, three-b and three-c of
28 section eighty-nine-b and section one hundred sixteen of the public
29 service law, and (ix) in the discretion of the authority, require
30 reports concerning the project from the water board to the authority and
31 the city.

32 § 8. Subdivision 1 of section 1735 of the public authorities law, as
33 amended by chapter 410 of the laws of 1999, is amended to read as
34 follows:

35 1. Notwithstanding the provisions of paragraph b of subdivision one of
36 section seventeen hundred thirty-four of this title, the award of
37 construction contracts by the authority [~~between July first, nineteen~~
38 ~~hundred eighty nine and June thirtieth, two thousand two,~~] shall not be
39 subject to the provisions of section one hundred one of the general
40 municipal law.

41 § 9. The opening paragraph of subdivision (c) of section 4 of chapter
42 560 of the laws of 1980, authorizing the city of New York to adopt a
43 solid waste management law, as amended by section 13 of part MM of chap-
44 ter 57 of the laws of 2008, is amended to read as follows:

45 Except as otherwise provided in section 222 of the labor law, every
46 contract, lease or other agreement entered into, pursuant to this
47 section, by the city of New York for construction, reconstruction, reha-
48 bilitation or improvement of buildings for a solid waste recovery and
49 management facility shall contain a provision that, when the entire cost
50 of such work shall exceed [~~three~~ **ten** million dollars, separate specifi-
51 cations shall be prepared for the following three subdivisions of work:

52 § 10. The opening paragraph of section 9 of chapter 892 of the laws of
53 1971 amending the public authorities law and other laws relating to
54 enabling the dormitory authority to construct and finance dormitories,
55 buildings and health facilities, as amended by section 14 of part MM of
56 chapter 57 of the laws of 2008, is amended to read as follows:

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1 Except as otherwise provided in section 222 of the labor law, the
2 dormitory authority in awarding or entering into contracts for the
3 erection, construction, reconstruction or alteration of buildings,
4 pursuant to the provisions added by this act, when the entire cost of
5 such work shall exceed [~~three~~ **ten**] million dollars in the counties of
6 the Bronx, Kings, New York, Queens, and Richmond; one million five
7 hundred thousand dollars in the counties of Nassau, Suffolk and West-
8 chester; and five hundred thousand dollars in all other counties within
9 the state, shall prepare separate specifications for the following three
10 subdivisions of the work to be performed:

11 § 11. Paragraph (e) of subdivision 2 of section 222 of the labor law,
12 as added by section 18 of part MM of chapter 57 of the laws of 2008, is
13 amended to read as follows:

14 (e) Any contract, subcontract, lease, grant, bond, covenant, or other
15 agreement for construction, reconstruction, demolition, excavation,
16 rehabilitation, repair, renovation, alteration, or improvement with
17 respect to each project undertaken pursuant to this section, the entity
18 shall consider the financial and organizational capacity of contractors
19 and subcontractors in relation to the magnitude of work they may
20 perform, the record of performance of contractors and subcontractors on
21 previous work, the record of contractors and subcontractors in complying
22 with existing labor standards and maintaining harmonious labor
23 relations, and the commitment of contractors to work with minority and
24 women-owned business enterprises pursuant to article fifteen-A of the
25 executive law through joint ventures of subcontractor relationships.
26 ~~[With respect to any contract for construction, reconstruction, demoli-~~
27 ~~tion, excavation, rehabilitation, repair, renovation, alteration, or~~
28 ~~improvement in excess of three million dollars in the counties of the~~
29 ~~Bronx, Kings, New York, Queens, and Richmond; one million five hundred~~
30 ~~thousand dollars in the counties of Nassau, Suffolk and Westchester; and~~
31 ~~five hundred thousand dollars in all other counties within the state;~~
32 ~~the entity shall further require that each contractor and subcontractor~~
33 ~~shall participate in apprentice training programs in the trades of work~~
34 ~~it employs that have been approved by the department for not less than~~
35 ~~three years and shall have graduated at least one apprentice in the last~~
36 ~~three years and shall have at least one apprentice currently enrolled in~~
37 ~~such apprenticeship training program. In addition, it must be demon-~~
38 ~~strated that the program has made significant efforts to attract and~~
39 ~~retain minority apprentices, as determined by affirmative action goals~~
40 ~~established for such program by the department.]~~

41 § 12. Section 19 of chapter 738 of the laws of 1988, amending the
42 administrative code of the city of New York and other laws relating to
43 establishing the New York City school construction authority, as amended
44 by chapter 134 of the laws of 2004, is amended to read as follows:

45 § 19. This act shall take effect immediately, provided, however, that
46 the provisions of subdivision 6 of section 209 of the civil service law,
47 as added by section four of this act, shall expire and be deemed
48 repealed on and after June 30, 1995, and further provided that the
49 provisions of section 1735 of the public authorities law, as added by
50 section fourteen of this act, shall expire and be deemed repealed on
51 June 30, [~~2009~~ **2014**].

52 § 13. Subdivisions (a) and (b) of section 4545 of the civil practice
53 law and rules are REPEALED and subdivisions (c) and (d) are relettered
54 subdivisions (a) and (b).

55 § 14. Subdivisions (d) and (e) of rule 4111 of the civil practice law
56 and rules are REPEALED.

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1 § 15. Subdivision (f) of rule 4111 of the civil practice law and
2 rules, as amended by chapter 100 of the laws of 1994, is amended to read
3 as follows:

4 ~~[(f)]~~ (d) Itemized verdict in certain actions. In an action brought to
5 recover damages for personal injury, injury to property or wrongful
6 death, ~~[which is not subject to subdivisions (d) and (e) of this rule,]~~
7 the court shall instruct the jury that if the jury finds a verdict
8 awarding damages, it shall in its verdict specify the applicable
9 elements of special and general damages upon which the award is based
10 and the amount assigned to each element including, but not limited to,
11 medical expenses, dental expenses, loss of earnings, impairment of earn-
12 ing ability, and pain and suffering. Each element shall be further item-
13 ized into amounts intended to compensate for damages that have been
14 incurred prior to the verdict and amounts intended to compensate for
15 damages to be incurred in the future. In itemizing amounts intended to
16 compensate for future damages, the jury shall set forth the period of
17 years over which such amounts are intended to provide compensation. In
18 actions in which article fifty-A or fifty-B of this chapter applies, in
19 computing said damages, the jury shall be instructed to award the full
20 amount of future damages, as calculated, without reduction to present
21 value.

22 § 16. Subdivision (b) of section 4213 of the civil practice law and
23 rules, as separately amended by chapters 485 and 682 of the laws of
24 1986, is amended to read as follows:

25 (b) Form of decision. The decision of the court may be oral or in
26 writing and shall state the facts it deems essential. In ~~[a medical,~~
27 ~~dental or podiatric malpractice action or in an action against a public~~
28 ~~employer or a public employee who is subject to indemnification by a~~
29 ~~public employer with respect to such action or both, as such terms are~~
30 ~~defined in subdivision (b) of section forty five hundred forty five, for~~
31 ~~personal injury or wrongful death arising out of an injury sustained by~~
32 ~~a public employee while acting within the scope of his public employment~~
33 ~~or duties, and in]~~ any ~~[other]~~ action brought to recover damages for
34 personal injury, injury to property, or wrongful death, a decision
35 awarding damages shall specify the applicable elements of special and
36 general damages upon which the award is based and the amount assigned to
37 each element, including but not limited to medical expenses, dental
38 expenses, podiatric expenses, loss of earnings, impairment of earning
39 ability, and pain and suffering. In ~~[a medical, dental or podiatric~~
40 ~~malpractice action, and in]~~ any ~~[other]~~ such action ~~[brought to recover~~
41 ~~damages for personal injury, injury to property, or wrongful death]~~,
42 each element shall be further itemized into amounts intended to compen-
43 sate for damages which have been incurred prior to the decision and
44 amounts intended to compensate for damages to be incurred in the future.
45 In itemizing amounts intended to compensate for future damages, the
46 court shall set forth the period of years over which such amounts are
47 intended to provide compensation. In computing said damages, the court
48 shall award the full amount of future damages, as calculated, without
49 reduction to present value.

50 § 17. Subdivision 1 of section 3-a of the general municipal law, as
51 amended by chapter 4 of the laws of 1991, is amended to read as follows:

52 1. Except as provided in subdivisions two, four and five of this
53 section, the rate of interest to be paid by a municipal corporation upon
54 any judgment or accrued claim against the municipal corporation shall
55 ~~[not exceed nine per centum per annum]~~ be calculated at a rate equal to
56 the weekly average one year constant maturity treasury yield, as

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1 published by the board of governors of the federal reserve system, for
2 the calendar week preceding the date of the entry of the judgment award-
3 ing damages. In no event, however, shall a municipal corporation pay a
4 rate of interest on any judgment or accrued claim more than nine per
5 centum per annum.

6 § 18. Subdivision 5 of section 157 of the public housing law, as
7 amended by chapter 681 of the laws of 1982, is amended to read as
8 follows:

9 5. The rate of interest to be paid by an authority upon any judgment
10 or accrued claim against the authority shall [~~not exceed nine per centum~~
11 ~~per annum~~] be calculated at a rate equal to the weekly average one year
12 constant maturity treasury yield, as published by the board of governors
13 of the federal reserve system, for the calendar week preceding the date
14 of the entry of the judgment awarding damages. In no event, however,
15 shall an authority pay a rate of interest on any judgment or accrued
16 claim more than nine per centum per annum.

17 § 19. Section 16 of the state finance law, as amended by chapter 681
18 of the laws of 1982, is amended to read as follows:

19 § 16. Rate of interest on judgments and accrued claims against the
20 state. The rate of interest to be paid by the state upon any judgment
21 or accrued claim against the state shall [~~not exceed nine per centum per~~
22 ~~annum~~] be calculated at a rate equal to the weekly average one year
23 constant maturity treasury yield, as published by the board of governors
24 of the federal reserve system, for the calendar week preceding the date
25 of the entry of the judgment awarding damages. In no event, however,
26 shall the state pay a rate of interest on any judgment or accrued claim
27 more than nine per centum per annum.

28 § 20. Section 1 of chapter 585 of the laws of 1939, relating to the
29 rate of interest to be paid by certain public corporations upon judg-
30 ments and accrued claims, as amended by chapter 681 of the laws of 1982,
31 is amended to read as follows:

32 Section 1. The rate of interest to be paid by a public corporation
33 upon any judgment or accrued claim against the public corporation shall
34 [~~not exceed nine per centum per annum~~] be calculated at a rate equal to
35 the weekly average one year constant maturity treasury yield, as
36 published by the board of governors of the federal reserve system, for
37 the calendar week preceding the date of the entry of the judgment award-
38 ing damages. In no event, however, shall a public corporation pay a
39 rate of interest on any judgment or accrued claim more than nine per
40 centum per annum. The term "public corporation" as used in this act
41 shall mean and include every corporation created for the construction of
42 public improvements, other than a county, city, town, village, school
43 district or fire district or an improvement district established in a
44 town or towns, and possessing both the power to contract indebtedness
45 and the power to collect rentals, charges, rates or fees for services or
46 facilities furnished or supplied.

47 § 21. Subdivision 1 of section 103 of the general municipal law, as
48 amended by chapter 741 of the laws of 2005, is amended to read as
49 follows:

50 1. Except as otherwise expressly provided by an act of the legislature
51 or by a local law adopted prior to September first, nineteen hundred
52 fifty-three, all contracts for public work involving an expenditure of
53 more than [~~twenty~~] fifty thousand dollars and all purchase contracts
54 involving an expenditure of more than [~~ten~~] twenty thousand dollars,
55 shall be awarded by the appropriate officer, board or agency of a poli-
56 tical subdivision or of any district therein including but not limited

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1 to a soil conservation district, to the lowest responsible bidder
2 furnishing the required security after advertisement for sealed bids in
3 the manner provided by this section. In any case where a responsible
4 bidder's gross price is reducible by an allowance for the value of used
5 machinery, equipment, apparatus or tools to be traded in by a political
6 subdivision, the gross price shall be reduced by the amount of such
7 allowance, for the purpose of determining the low bid. In cases where
8 two or more responsible bidders furnishing the required security submit
9 identical bids as to price, such officer, board or agency may award the
10 contract to any of such bidders. Such officer, board or agency may, in
11 his or its discretion, reject all bids and readvertise for new bids in
12 the manner provided by this section. For purposes of this section,
13 "sealed bids", as that term applies to purchase contracts, shall include
14 bids submitted in an electronic format, provided that the governing
15 board of the political subdivision or district, by resolution, has
16 authorized the receipt of bids in such format. Submission in electronic
17 format may not, however, be required as the sole method for the
18 submission of bids. Bids submitted in an electronic format shall be
19 transmitted by bidders to the receiving device designated by the poli-
20 tical subdivision or district. Any method used to receive electronic
21 bids shall comply with article three of the state technology law, and
22 any rules and regulations promulgated and guidelines developed there-
23 under and, at a minimum, must (a) document the time and date of receipt
24 of each bid received electronically; (b) authenticate the identity of
25 the sender; (c) ensure the security of the information transmitted; and
26 (d) ensure the confidentiality of the bid until the time and date estab-
27 lished for the opening of bids. The timely submission of an electronic
28 bid in compliance with instructions provided for such submission in the
29 advertisement for bids and/or the specifications shall be the responsi-
30 bility solely of each bidder or prospective bidder. No political subdi-
31 vision or district therein shall incur any liability from delays of or
32 interruptions in the receiving device designated for the submission and
33 receipt of electronic bids.

34 § 22. Section 103 of the general municipal law is amended by adding
35 three new subdivisions 1-b, 1-c and 13 to read as follows:

36 1-b. When the officer, board or agency of any political subdivision
37 or of any district therein charged with the awarding of contracts under
38 this section determines that it is in the best interest of the political
39 subdivision or district therein, they may award contracts for services
40 on the basis of best value as defined in section one hundred sixty-three
41 of the state finance law to responsive and responsible offerers.
42 Notwithstanding any other provision of this section, a contract for
43 services may be awarded on the basis of best value provided that the
44 contracting process and award shall comply with the guidelines estab-
45 lished under section one hundred sixty-three of the state finance law by
46 the state procurement council. Any procurement made under this subdivi-
47 sion shall be approved by the governing body of the purchasing political
48 subdivision or district therein.

49 1-c. A political subdivision or any district therein shall have the
50 option of purchasing information technology and telecommunications hard-
51 ware, software and professional services through cooperative purchasing
52 permissible pursuant to federal general services administration informa-
53 tion technology schedule seventy or any successor schedule. A political
54 subdivision or any district therein that purchases through general
55 services administration schedule seventy, information technology and
56 consolidated schedule contracts shall comply with federal schedule

1 ordering procedures as provided in federal acquisition regulation
2 8.405-1 or 8.405-2, whichever is applicable. Adherence to such proce-
3 dures shall constitute compliance with the competitive bidding require-
4 ments under this section.

5 13. Notwithstanding the provisions of subdivision one of this section
6 and in addition to the provisions of subdivision three of this section
7 and section one hundred four of this article, any officer, board or
8 agency of a political subdivision or of any district therein authorized
9 to make purchases of materials, equipment and supplies may make such
10 purchases as may be required by such political subdivision or any
11 district therein through the use of a contract let by any other state or
12 political subdivision if such contract was let in accordance with
13 competitive bidding requirements that are consistent with this section
14 and with the intent of extending its use to certain other governmental
15 entities. Prior to making such a purchase, the governing board of the
16 political subdivision or district making the purchase shall determine,
17 upon review of any necessary documentation and, as appropriate, upon
18 advice of its counsel, that the requirements of this paragraph have been
19 met, and shall certify, by resolution, that such purchase is permitted
20 under the procurement policies and procedures of the political subdivi-
21 sion or district, adopted pursuant to section one hundred four-b of this
22 article.

23 § 23. Subdivision 10 of section 2799-bb of the public authorities law,
24 as added by chapter 16 of the laws of 1997, is amended to read as
25 follows:

26 10. "Project capital costs" or "costs" means costs, appropriated in
27 the capital budget of the city pursuant to chapters nine and ten of the
28 New York city charter, as amended from time to time, providing for the
29 construction, reconstruction, acquisition or installation of physical
30 public betterments or improvements [~~which would be classified as capital~~
31 ~~assets under generally accepted accounting principles for munici-~~
32 ~~palities], or the costs of any preliminary studies, surveys, maps,~~
33 plans, estimates and hearings, or incidental costs, including, but not
34 limited to, legal fees, printing or engraving, publication of notices,
35 taking of title, apportionment of costs, and interest during
36 construction, or any underwriting or other costs incurred in connection
37 with the financing thereof.

38 § 24. Subdivision 1 and paragraph (b) of subdivision 3 of section
39 2799-gg of the public authorities law, as amended by chapter 411 of the
40 laws of 2006, are amended to read as follows:

41 1. The authority shall have the power and is hereby authorized from
42 time to time to issue bonds, in conformity with applicable provisions of
43 the uniform commercial code, in such principal amounts as it may deter-
44 mine to be necessary pursuant to section twenty-seven hundred ninety-
45 nine-ff of this title to pay the cost of any project and to fund
46 reserves to secure such bonds, including incidental expenses in
47 connection therewith.

48 The aggregate principal amount of such bonds, notes or other obli-
49 gations [~~so issued~~] outstanding shall not exceed thirteen billion, five
50 hundred million dollars (\$13,500,000,000), excluding bonds, notes or
51 other obligations issued [~~to refund or otherwise repay bonds, notes or~~
52 ~~other obligations theretofore issued for such purposes~~] pursuant to
53 sections twenty-seven hundred ninety-nine-ss and twenty-seven hundred
54 ninety-nine-tt of this title; provided, however, that upon any refunding
55 or repayment of bonds (which term shall not, for this purpose, include
56 bond anticipation notes), the total aggregate principal amount of

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1 outstanding bonds, notes or other obligations may be greater than thir-
2 teen billion, five hundred million dollars (\$13,500,000,000) only if the
3 refunding or repayment bonds, notes or other obligations were issued in
4 accordance with the provisions of subparagraph (a) of subdivision two of
5 paragraph b of section 90.10 of the local finance law, as amended from
6 time to time. Notwithstanding the foregoing, bonds, notes or other
7 obligations issued by the authority may be outstanding in an amount
8 greater than the amount permitted by the preceding sentence, provided
9 that such additional amount at issuance, together with the amount of
10 indebtedness contracted by the city of New York, shall not exceed the
11 limit prescribed by section 104.00 of the local finance law. The author-
12 ity shall have the power from time to time to refund any bonds of the
13 authority by the issuance of new bonds whether the bonds to be refunded
14 have or have not matured, and may issue bonds partly to refund bonds of
15 the authority then outstanding and partly to pay the cost of any project
16 pursuant to section twenty-seven hundred ninety-nine-ff of this title.
17 Bonds issued by the authority shall be payable solely out of particular
18 revenues or other moneys of the authority as may be designated in the
19 proceedings of the authority under which the bonds shall be authorized
20 to be issued, subject to any agreements entered into between the author-
21 ity and the city, and subject to any agreements with the holders of
22 outstanding bonds pledging any particular revenues or moneys.

23 (b) The authority shall not issue variable rate bonds [~~if the princi-~~
24 ~~pal amount of its variable rate bonds outstanding after such issuance~~
25 ~~would exceed two billion, seven hundred million dollars~~
26 ~~(\$2,700,000,000)] pursuant to this section in an amount outstanding at
27 issuance exceeding twenty percent of the limit prescribed by subdivision
28 one of this section, excluding bonds (i) bearing interest at rates and
29 for periods of time that are specified without reference to future
30 events or contingencies, or (ii) the interest on which is [~~economically~~
31 ~~fixed~~] reasonably expected to be equivalent over time in conjunction
32 with other bonds[~~7~~] or [~~(iii) the interest on which is offset~~] by agree-
33 ments with financially responsible third parties.~~

34 § 25. Paragraph c of subdivision 4 of section 9-b of section 2 of
35 chapter 868 of the laws of 1975, constituting the New York state finan-
36 cial emergency act for the city of New York, as added by chapter 201 of
37 the laws of 1978, is amended to read as follows:

38 c. Bond anticipation notes shall mature not later than [~~six months~~]
39 one year after their date of issuance and may be renewed for a period
40 not to exceed [~~six months~~] one year.

41 § 26. Paragraph 3 of subdivision h of section 266 of the New York city
42 charter, as added by a vote of the people of the city of New York at the
43 general election held in November of 2005, section 7 of question 4, is
44 amended to read as follows:

45 (3) Bond anticipation notes shall mature not later than [~~six months~~]
46 one year after their date of issuance and may be renewed for a period
47 not to exceed [~~six months~~] one year.

48 § 27. This act shall take effect immediately, provided, however, that:

49 (a) sections one through twelve of this act shall control all
50 contracts advertised or solicited for bid on or after such date under
51 the provisions of any law requiring contracts to be let pursuant to
52 provisions of law amended by this act, and sections one through seven,
53 nine, ten, and eleven of this act shall expire and be deemed repealed
54 five years after such effective date;

55 (b) the amendments to the civil practice law and rules made by
56 sections thirteen through sixteen of this act shall apply to all actions

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1 and proceedings pending on or commenced on or after such effective date
2 except that it shall not apply to trials or settlements that occurred
3 prior to such effective date;
4 (c) the amendments to section 1735 of the public authorities law made
5 by section eight of this act shall not affect the expiration of such
6 section and shall expire and be deemed repealed therewith; and
7 (d) the amendments to subdivision 1 of section 103 of the general
8 municipal law, made by section twenty-one of this act shall not affect
9 the expiration of such subdivision and shall expire and be deemed
10 repealed therewith.

11

PART II

12 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the
13 real property tax law relating to oil and gas charges, as amended by
14 chapter 140 of the laws of 2006, is amended to read as follows:
15 § 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 1992; provided,
17 however that any charges imposed by section 593 of the real property tax
18 law as added by section one of this act shall first be due for values
19 for assessment rolls with tentative completion dates after July 1, 1992,
20 and provided further, that this act shall remain in full force and
21 effect until March 31, [~~2009~~ 2012], at which time section 593 of the
22 real property tax law as added by section one of this act shall be
23 repealed.
24 § 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after March 1, 2009.

26

PART JJ

27 Section 1. Subdivision 3 of section 333 of the real property law, as
28 separately amended by section 2 of part B of chapter 57 and chapter 521
29 of the laws of 2004, is amended to read as follows:
30 3. The recording officer of every county and the city of New York
31 shall impose a fee of one hundred sixty-five dollars, or in the case of
32 a transfer involving qualifying residential or farm property as defined
33 by paragraph iv of subdivision one-e of this section, a fee of seventy-
34 five dollars, for every real property transfer reporting form submitted
35 for recording as required under subdivision one-e of this section. In
36 the city of New York, the recording officer shall impose a fee of fifty
37 dollars for each real property transfer tax form filed in accordance
38 with chapter twenty-one of title eleven of the administrative code of
39 the city of New York, except where a real property transfer reporting
40 form is also submitted for recording for the transfer as required under
41 subdivision one-e of this section. The recording officer shall deduct
42 nine dollars from such fee and remit the remainder of the revenue
43 collected to the state office of real property services every month for
44 deposit [~~in the improvement of real property tax administration account~~
45 ~~established pursuant to section ninety-seven ll of the state finance~~
46 ~~law~~] into the general fund. The amount duly deducted by the recording
47 officer shall be retained by the county or by the city of New York.
48 § 2. Subdivision 3 of section 333 of the real property law, as amended
49 by section one of this act, is amended to read as follows:
50 3. The recording officer of every county and the city of New York
51 shall impose a fee of [~~one hundred sixty five~~] two hundred fifty
52 dollars, or in the case of a transfer involving qualifying residential