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Cal. No. 812

IN ASSEMBLY

March 23, 2010

Introduced by M. of A. KELLNER -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend chapter 899 of the laws of 1984, relating to the creation of the Roosevelt Island operating corporation, in relation to the management of such corporation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Chapter 899 of the laws of 1984, relating to the creation
2 of the Roosevelt Island operating corporation, subdivision 2 of section
3 3 as amended by chapter 766 of the laws of 2005, subdivision 5 of
4 section 3 as amended by chapter 55 of the laws of 1992, section 8 as
5 amended by chapter 770 of the laws of 1988, paragraph 2 of subdivision a
6 of section 8 as amended by chapter 804 of the laws of 1990 and section
7 10-a as added by chapter 493 of the laws of 2002, is amended to read as
8 follows:

9 Section 1. LEGISLATIVE DECLARATION. The legislature hereby finds,
10 determines and declares that: (a) the city of New York and the New York
11 state urban development corporation have entered into a lease and
12 related agreements providing for the urban development corporation to
13 use its statutory powers to create on Roosevelt Island a new community
14 which would retain and heighten the benefits of urban living while
15 preserving a sense of scale and open space for Roosevelt Island resi-
16 dents and New York city as a whole; (b) the urban development corpo-
17 ration [has] AND ITS SUCCESSORS HAVE constructed the first [phase] PHAS-
18 ES of the island's development, including public facilities, pursuant to
19 a general development plan for Roosevelt Island, [which plan is being]
20 updated [and] FROM TIME TO TIME, WHICH PLAN contemplates significant
21 future development on the island, including the provision of additional
22 housing, commercial, civic, recreational and other facilities; (c) [it

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

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1 is in the public interest for] the urban development corporation [to
2 transfer] HAS TRANSFERRED all of its rights and obligations with respect
3 to the development, operation and supervision of both such existing and
4 such proposed development to a public benefit corporation which [shall

5 be] HAS BEEN under the supervision of the commissioner of housing and
6 community renewal; and (d) it is in the public interest that [such a]
7 THE public benefit corporation plan, design, develop, operate, maintain
8 and manage Roosevelt Island, [that such corporation] AND have vested in
9 it such powers as are necessary or convenient to effectuate those func-
10 tions and that the division of housing and community renewal be author-
11 ized to assist such corporation in the performance of its duties with
12 respect to Roosevelt Island.

13 S 2. DEFINITIONS. As used in this act, the following terms shall have
14 the following meanings:

15 1. "City" shall mean the city of New York.

16 2. "Commissioner" shall mean the commissioner of housing and community
17 renewal.

18 3. "Corporation" shall mean the Roosevelt Island operating corpo-
19 ration created by section three of this act.

20 4. "Development subleases" shall mean (a) the sublease dated August
21 [first, nineteen hundred eighty] 1, 1980 between the urban development
22 corporation and the city, (b) the ground lease, dated October [thirti-
23 eth, nineteen hundred seventy-two] 30, 1972, between the urban develop-
24 ment corporation and North Town Phase II Houses, Inc., (c) the ground
25 lease, dated April [twenty-fifth, nineteen hundred seventy-three] 25,
26 1973, between the urban development corporation and North Town Phase III
27 Houses, Inc., [and] (d) the restated ground lease, dated November [thir-
28 tieth, nineteen hundred seventy-seven] 30, 1977, between the urban
29 development corporation and Rivercross Tenants' Corporation, (E) THE
30 GROUND LEASE BETWEEN THE CORPORATION AND MANHATTAN PARK DATED AUGUST 4,
31 1986, (F) THE GROUND LEASE BETWEEN THE CORPORATION AND RELATED AND
32 HUDSON COMPANIES DATED DECEMBER 21, 2001, (G) THE SUBLEASE BETWEEN THE
33 CORPORATION AND MEPT OCTAGON, LLC DATED NOVEMBER 3, 2004, AND (H) ALL
34 OTHER RELATED LEASES.

35 5. "Division" shall mean the New York state division of housing and
36 community renewal.

37 6. "Lease" shall mean the lease, dated December [twenty-third, nine-
38 teen hundred sixty-nine] 23, 1969, as heretofore or hereafter amended,
39 among the city of New York, the New York state urban development corpo-
40 ration and the Roosevelt Island development corporation, pursuant to
41 which the city leased substantially all of Roosevelt Island to the New
42 York state urban development corporation for development substantially
43 in accordance with the development plan referred to therein.

44 7. "Roosevelt Island" shall mean the island located in the East
45 River, city and county of New York, extending from approximately fifti-
46 eth street to eighty-sixth street in Manhattan.

47 8. "Safe affordable housing for everyone, inc." shall mean the New
48 York corporation organized under article [six-A] 6-A of the private
49 housing finance law and under the supervision and control of the commis-
50 sioner.

51 9. "Tramway franchise" shall mean the franchise for the Roosevelt
52 Island tramway granted by the city to the urban development corporation
53 on February [nineteenth, nineteen hundred seventy-four] 19, 1974.

54 10. "Urban development corporation" shall mean the New York state
55 urban development corporation AND ANY SUCCESSOR AGENCY.

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1 S 3. ESTABLISHMENT OF CORPORATION; ORGANIZATION OF BOARD. 1. To effec-
2 tuate the purposes and provisions of this act, there is hereby created
3 the "Roosevelt Island operating corporation", which shall be a body
4 corporate and politic constituting a public benefit corporation and a
5 political subdivision of the state of New York.

6 2. The board of directors of the corporation shall be composed of nine
7 members. One member shall be the commissioner, who shall serve as the
8 chair; one member shall be the director of the budget; and seven public
9 members shall be appointed by the governor [with], ONE UPON the [advice
10 and consent] RECOMMENDATION of the [senate. Of the seven public
11 members,] TEMPORARY PRESIDENT OF THE STATE SENATE, ONE UPON THE RECOM-
12 MENDATION OF THE SPEAKER OF THE STATE ASSEMBLY, two members[, one of
13 whom shall be a resident of Roosevelt Island, shall be appointed] upon
14 the recommendation of the mayor of the city[; and four additional]. ALL
15 SEVEN PUBLIC members shall be residents of Roosevelt Island AND THE
16 APPOINTMENT OF SUCH MEMBERS SHALL BE SUBJECT TO THE ADVICE AND CONSENT
17 OF THE SENATE. Each member shall serve for a term of [four] THREE years
18 and until [his or her] A successor shall have been appointed and shall
19 have qualified, except that (a) two of the initial public members
20 appointed by the governor, one of whom is a resident of Roosevelt
21 Island, and the Roosevelt Island resident member appointed upon the
22 recommendation of the mayor of the city shall serve for terms of two
23 years each, and (b) the commissioner and the director of the budget
24 shall serve so long as they continue to hold their respective offices.
25 Any action taken by the directors of the corporation shall be taken by
26 majority vote of the directors then in office. The elected public offi-
27 cials who represent Roosevelt Island shall be representatives to the
28 board of directors of the corporation entitled to receive notice of and
29 attend all meetings of such board AND BE PROVIDED WITH ALL INFORMATION
30 RECEIVED BY THE MEMBERS FOR ALL AGENDA ITEMS but shall not be entitled
31 to vote. Failure to give such notice shall not [effect] AFFECT the
32 validity of any action taken at a meeting of such board. ALL MEETINGS
33 OF THE BOARD OF DIRECTORS OR ANY COMMITTEE OF THE BOARD SHALL BE SUBJECT
34 TO THE OPEN MEETINGS LAW. AT EVERY MEETING OF THE BOARD OF DIRECTORS,
35 THERE SHALL BE AN OPPORTUNITY FOR THE PUBLIC TO COMMENT ON THE MEETING'S
36 AGENDA ITEMS BEFORE ANY VOTE BY THE BOARD OF DIRECTORS ON THOSE ITEMS.

37 3. The governor may fill any vacancy which occurs on the board of
38 directors of the corporation in a manner consistent with the original
39 appointment. Any member of the corporation may be removed by the gover-
40 nor for cause, but not without an opportunity to be heard, in person or
41 by counsel, in his OR HER defense, upon not less than ten days' written
42 notice.

43 4. The commissioner and the director of the budget may each designate
44 an officer or employee of his OR HER respective division to represent
45 such member at meetings of the corporation. Such designation shall be by
46 written notice filed with the [chairman] CHAIR or the secretary of the
47 corporation by the member making the designation, and may be revoked at
48 any time by similar notice. Any representative so designated shall have
49 the power to attend and to vote at any meeting of the corporation from
50 which the member making the designation is absent with the same force
51 and effect as if the member making the designation were present and
52 voting. No such designation shall limit the right of the member making
53 the designation to attend and vote in person at any meeting of the
54 corporation.

55 5. A member of the corporation who is not an officer or employee of
56 the state or the city shall not receive a salary or other compensation,
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1 but shall be entitled to reimbursement for actual and necessary expenses
2 incurred in the performance of official duties as a member. A member of
3 the corporation who is not an officer or employee of the state or the
4 city may engage in private employment, or in a profession or business,
5 unless otherwise prohibited by law from doing so. Notwithstanding any

6 other provision of law, general, special, or local, no officer or
7 employee of the state or any civil division thereof shall be deemed to
8 have forfeited, or shall forfeit such office of employment because of
9 acceptance of membership in the corporation, or by virtue of being an
10 officer, employee or agent thereof.

11 S 4. POWERS OF CORPORATION. The corporation's powers shall be limited
12 to carrying out the development, management and operation of Roosevelt
13 Island. In carrying out such development, management and operation, the
14 corporation shall have the power to:

15 1. Sue and be sued;

16 2. Have a seal and alter the same at pleasure;

17 3. Make and alter by-laws for its organization and internal management
18 and make rules and regulations governing the use of its property and
19 facilities;

20 4. Make and execute contracts and all other instruments necessary or
21 convenient for the exercise of its powers and functions under this act;
22 PROVIDED, HOWEVER, THAT THE CORPORATION SHALL BE CONSIDERED A CORPO-
23 RATION AS THAT TERM IS USED IN SECTION 2879 OF THE PUBLIC AUTHORITIES
24 LAW;

25 5. Acquire in the name of the corporation by purchase, grant or gift,
26 or by the exercise of the power of eminent domain pursuant to the
27 eminent domain procedure law, or otherwise, real or personal property,
28 or any interest therein deemed necessary or desirable for the develop-
29 ment, management or operation of Roosevelt Island, including, without
30 limitation, leasehold interest, air and subsurface rights, easements and
31 lands under water at the site of Roosevelt Island or in the general
32 vicinity thereof, and to subject such property or interest therein to a
33 purchase money or other lien or security interest in connection with the
34 acquisition and development thereof, provided that the corporation shall
35 have no authority or power to issue any notes, bonds or other debt obli-
36 gations, whether for the purpose of financing the development of Roose-
37 velt Island or otherwise;

38 6. Hold and dispose of real or personal property for its corporate
39 purposes;

40 7. Appoint officers, agents and employees, prescribe their duties and
41 fix their compensation in accordance with a staffing and compensation
42 plan submitted to and approved by the director of the budget, PROVIDED
43 THAT PRIOR TO HIRING THE CHIEF EXECUTIVE OFFICER OF THE CORPORATION, THE
44 BOARD SHALL INTERVIEW AT LEAST THREE QUALIFIED CANDIDATES FOR THE POSI-
45 TION. PRIOR TO HIRING THE CHIEF EXECUTIVE OFFICER, THE BOARD SHALL HOLD
46 A PUBLIC HEARING, WITH NOTICE TO THE PUBLIC AND HELD IN ACCORDANCE WITH
47 ARTICLE 7 OF THE PUBLIC OFFICERS LAW, FOR THE PURPOSE OF INTERVIEWING
48 THE CANDIDATE(S) AND ALLOWING THE PUBLIC AS WELL AS THE BOARD TO QUES-
49 TION THE CANDIDATE;

50 8. Engage the services of private consultants on a contract basis for
51 rendering professional and technical assistance advice;

52 9. Procure insurance against any loss in connection with its activ-
53 ities, properties and other assets, in such amount and from such insur-
54 ers as it deems desirable;

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1 10. Charge and collect fees, rents and other charges for the occupancy
2 or other use of real or personal property or facilities owned, operated,
3 managed or regulated by the corporation;

4 11. Accept any gifts or grants of money or property, or financial or
5 other aid in any form, from the federal government, the state, or the
6 city (or any instrumentality of any such government) or from any other
7 source and, subject to the provisions of this act and other applicable

8 law, to comply with any conditions of such assistance and execute any
9 contracts or other instruments in connection therewith;

10 12. Invest any funds of the corporation, or any other monies under its
11 custody and control not required for immediate use or disbursement, at
12 the discretion of the corporation, in obligations of the state or the
13 United States government or obligations the principal and interest of
14 which are guaranteed by the state or the United States government, or in
15 any other obligations in which the comptroller of the state is author-
16 ized to invest pursuant to section [ninety-eight] 98 of the state
17 finance law;

18 13. Enter into such agreements with the state, the urban development
19 corporation and the city as the parties thereto deem appropriate to
20 effectuate the provisions of this act;

21 14. Assume and perform the obligations and responsibilities of the
22 urban development corporation under the lease, the tramway franchise,
23 and all other contracts, leases, and agreements heretofore entered into
24 by the urban development corporation relating to the development,
25 management and operation of Roosevelt Island (except that the corpo-
26 ration shall not assume any of the rights, duties and responsibilities
27 of the urban development corporation in relation to any bonds or notes
28 issued, or mortgages or security agreements held, by the urban develop-
29 ment corporation or any of its subsidiaries) and exercise all of the
30 rights of the urban development corporation with respect thereto; [and]

31 15. Do and perform all other acts necessary or convenient to carry
32 out the foregoing in connection with the development, management or
33 operation of Roosevelt Island.

34 S 5. RULES AND REGULATIONS; APPROVAL OF DEVELOPMENT PLAN AMENDMENTS;
35 APPLICABILITY OF LOCAL LAWS. 1. The corporation shall promulgate such
36 rules and regulations as it shall deem appropriate to provide an oppor-
37 tunity for residents of Roosevelt Island to comment upon any major
38 amendment of the development plan for Roosevelt Island referred to in
39 the lease at a public hearing held prior to its adoption by the corpo-
40 ration.

41 2. Any amendment of the development plan for Roosevelt Island referred
42 to in the lease shall be subject to the review and approval of the
43 director of the budget, and the corporation shall not enter into any
44 agreement for the design or construction of any improvement provided for
45 in any [such] amendment TO THE DEVELOPMENT PLAN FOR ROOSEVELT ISLAND
46 prior to [such] approval.

47 3. The requirements of all local laws, ordinances, codes, charters or
48 regulations shall be applicable to the construction, alteration or
49 improvement of any building or structure on Roosevelt Island, provided
50 that the corporation may, in lieu of such compliance, determine that the
51 requirements of the New York state uniform fire prevention and building
52 code, formulated by the state fire prevention and building code council
53 pursuant to article eighteen of the executive law, shall be applicable
54 to such work. In the event of such compliance with the New York state
55 uniform fire prevention and building code, the city shall have no power
56 to modify any drawings, plans or specifications for such work or for the
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1 plumbing, heating, lighting or other mechanical branches thereof, or to
2 require that any person, firm or corporation employed on any such work
3 perform the same except as provided by such plans and specifications or
4 obtain any additional authority, approval, permit or certificate from
5 the city in connection therewith.

6 S 6. POWERS AND DUTIES OF URBAN DEVELOPMENT CORPORATION; LEASE AND
7 TRAMWAY FRANCHISE. 1. The corporation shall perform all obligations of

8 the urban development corporation or any of its subsidiaries with
9 respect to the development, management and operation of Roosevelt
10 Island, including, without limitation, all such obligations arising
11 under the lease and the tramway franchise.

12 2. The urban development corporation, the division and the corporation
13 shall each use their best efforts to obtain any required consents to the
14 assignment of the lease and the tramway franchise from the urban devel-
15 opment corporation to the corporation and to any other assumption by the
16 corporation of the obligations of the urban development corporation or
17 any of its subsidiaries under any other contracts, leases, agreements or
18 instruments entered into by the urban development corporation, or any
19 such subsidiary, relating to the development, management or operation of
20 Roosevelt Island (other than any bonds or notes issued, or mortgages or
21 security agreements held, by the urban development corporation or any of
22 its subsidiaries) and, upon obtaining such consents, the corporation and
23 the urban development corporation shall enter into such agreements and
24 take such actions as shall be necessary to effectuate such assignments
25 and assumptions, provided that in order to permit the urban development
26 corporation to recover the investment which it has heretofore made in
27 the development of Roosevelt Island, such agreements shall provide
28 appropriate assurances satisfactory to the urban development corporation
29 (a) for the prompt payment directly to the urban development corporation
30 of (i) all sums from time to time due from lessees under the development
31 subleases and (ii) all sums received by the corporation from the city in
32 connection with the termination of the lease, and (b) for the amending
33 or supplementing of the development subleases to the extent, if any,
34 necessary to protect the rights of the holders of any mortgages on the
35 leasehold interests created thereunder. Nothing in this act shall (a)
36 constitute or authorize an assignment by the urban development corpo-
37 ration (or any subsidiary thereof) of any mortgage or security interest
38 held by the urban development corporation (or any such subsidiary) on
39 any real or personal property or interest therein on Roosevelt Island or
40 any rights or obligations of the urban development corporation (or any
41 such subsidiary) arising under any such mortgage or security agreement,
42 (b) relieve the urban development corporation of any of its obligations
43 under any bonds heretofore issued by the urban development corporation,
44 or (c) otherwise affect the interests of the holders of any such bonds.

45 3. All revenues (other than state appropriations) derived from the
46 contracts, leases, agreements or instruments assigned to or assumed by
47 the corporation pursuant to subdivision two of this section shall be
48 applied first to the payment of those obligations assigned to or assumed
49 by the corporation.

50 4. The urban development corporation and the corporation are hereby
51 authorized to enter into such agreements with the city as the corpo-
52 ration shall determine to be appropriate to amend, reform or supplement
53 the lease (including the development plan referred to therein) and the
54 tramway franchise in order to carry out the purposes of this act. The
55 provisions of any general, special or local law notwithstanding, the
56 city is hereby authorized, upon the approval of the board of estimate of
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1 the city, to enter into any such agreements with the corporation and the
2 urban development corporation.

3 S 7. EQUAL EMPLOYMENT OPPORTUNITIES. 1. The corporation shall not
4 discriminate against employees or applicants for employment because of
5 race, creed, color, national origin, sex, age, disability or marital
6 status, and will undertake or continue programs of affirmative action to
7 ensure that minority group persons and women are afforded equal employ-

8 ment opportunity without discrimination. Such action shall be taken with
9 reference, but not be limited, to recruitment, employment, job assign-
10 ment, promotion, upgrading, demotion, transfer, layoff, termination,
11 rate of pay or other forms of compensation, and selections for training
12 or retraining, including apprenticeship and on-the-job training.

13 2. The corporation shall request each employment agency, labor union,
14 or authorized representative of workers with which it has a collective
15 bargaining or other agreement or understanding, to furnish a written
16 statement that such employment agency, labor union or representative
17 shall not discriminate because of race, creed, color, national origin,
18 sex, age, disability or marital status and that such union or represen-
19 tative will cooperate in the implementation of the corporation's obli-
20 gations hereunder.

21 3. The corporation shall state, in all solicitations or advertisements
22 for employees placed by or on behalf of the corporation, that all quali-
23 fied applicants will be afforded equal employment opportunity without
24 discrimination because of race, creed, color, national origin, sex, age,
25 disability or marital status.

26 4. The corporation shall seek meaningful participation by minority
27 business enterprises in the programs of the corporation and shall
28 actively and affirmatively promote and assist their participation in the
29 corporation's programs, so as to facilitate the award of a fair share of
30 contracts to such enterprises. For purposes hereof, "minority business
31 enterprise" shall mean any business enterprise which is at least
32 [fifty-one] 51 per centum owned by, or in the case of publicly owned
33 business, at least [fifty-one] 51 per centum of the stock of which is
34 owned by, citizens or permanent resident aliens who are Black, Hispanic,
35 Asian, American Indian or women, and such ownership interest is real,
36 substantial and continuing.

37 S 8. [a.] NOTICE OF CLAIMS. 1. The state shall indemnify and hold
38 harmless the corporation, urban development corporation and safe afford-
39 able housing for everyone, inc., and pursuant to section [seventeen] 17
40 of the public officers law, their respective officers, directors and
41 employees, from and against any and all liability, claim, loss, damage,
42 suit or judgment and any and all costs and expenses (including, but not
43 limited to, counsel fees and disbursements) that such corporations or
44 their officers, directors or employees may suffer or incur, whether
45 before or after the date hereof, as a result of either (a) the develop-
46 ment, management or operation of Roosevelt Island or (b) the performance
47 or non-performance by the division of any of its obligations or duties
48 with respect to Roosevelt Island. All of the provisions of section
49 [seventeen] 17 of the public officers law which are not inconsistent
50 with this section shall apply to the officers, directors, and employees
51 of such corporations, including the provisions relating to the defense
52 by the attorney general or private counsel of any civil action and the
53 payment of legal costs incurred in connection with the defense of any
54 such action. Any member, officer or employee of such corporations seek-
55 ing to be saved harmless or indemnified or to claim any other benefits
56 available pursuant to this section or section [seventeen] 17 of the
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1 public officers law shall comply with the procedural requirements of
2 such section [seventeen] 17. As used in this section the terms
3 "member", "officer" and "employee" shall include a former member, offi-
4 cer or employee, his estate or judicially appointed personal represen-
5 tative.

6 2. A notice of claim, served in accordance with the provisions of
7 section [fifty-e] 50-E of the general municipal law, shall be a condi-

8 tion precedent to the commencement of an action against the corporation,
9 its officers, directors and employees. No such action shall be commenced
10 more than one year after it has accrued, except that an action against
11 the corporation for wrongful death shall be commenced within the notice
12 of claim and time limitation provisions of title [eleven] 11 of article
13 [nine] 9 of the public authorities law.

14 [b. 1.] 3. Notwithstanding the provisions of section [one hundred
15 thirteen] 113 of the retirement and social security law and any other
16 general, special or local law, the Roosevelt Island operating corpo-
17 ration shall provide to persons employed by the Roosevelt Island operat-
18 ing corporation any retirement, disability, death or other benefits
19 provided or required pursuant to any agreement with a labor union of
20 which its employees are members, and the Roosevelt Island operating
21 corporation is hereby authorized to retroactively or in the future make
22 such contributions as may be necessary to provide such benefits.

23 [2.] 4. For purposes of the retirement and social security law,
24 persons employed by the Roosevelt Island operating corporation and to
25 whom the Roosevelt Island operating corporation provides any retirement,
26 disability, death and other benefits required pursuant to any agreement
27 with a labor union of which its employees are members, shall be deemed
28 not to be employees of the Roosevelt Island operating corporation. Such
29 other persons who are employees of the Roosevelt Island operating corpo-
30 ration as of the effective date of this act shall be eligible to receive
31 credit under the retirement and social security law for previous service
32 with the entities (or where applicable, their subsidiaries) made subject
33 to section [seventeen] 17 of the public officers law by subdivision [a]
34 ONE of this section.

35 S 9. ANNUAL BUDGET AND REPORT. 1. On or before September [fifteenth,
36 nineteen hundred eighty-four] 15, 1984 and on each September fifteenth
37 thereafter, the [chairman] CHAIR of the corporation shall make and
38 deliver to the director of the budget for his OR HER review AND TO THE
39 BOARD OF DIRECTORS a proposed budget for the operation of the corpo-
40 ration for the next fiscal year of the state. The [chairman] CHAIR of
41 the corporation shall also deliver a copy of such budget to the [chair-
42 man] CHAIR of the senate finance committee and the [chairman] CHAIR of
43 the assembly ways and means committee at the same time that the budget
44 is delivered to the director of the budget. The budget shall include the
45 total amount needed for corporate purposes, including the funds required
46 by the corporation for operation of Roosevelt Island facilities and
47 improvements, the source of all funds that the corporation expects to
48 receive and such other information as the director of the budget shall
49 require OR AS MAY BE REQUIRED BY THE BOARD OF DIRECTORS. The governor
50 shall recommend in his OR HER annual budget such appropriations to the
51 corporation for its CAPITAL NEEDS AND operations as he OR SHE deems
52 necessary.

53 2. The corporation shall submit to the director of the budget,
54 [chairman] CHAIR of the senate finance committee [and chairman], THE
55 CHAIR of the assembly ways and means committee, within ninety days after
56 the end of its fiscal year, a complete and detailed report setting forth
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1 (a) [its] THE CORPORATION'S operations and accomplishments, and (b) its
2 receipts and expenditures during such fiscal year in accordance with
3 categories and classifications established by the corporation, with the
4 approval of the director of the budget, for its operating and capital
5 outlay purposes.

6 S 10. FUTURE MANAGEMENT STUDY. The corporation shall [also] study the
7 future operation and management of Roosevelt Island AT LEAST ONCE IN

8 EACH DECADE. [Such study shall be completed by December thirty-first,
9 nineteen hundred eighty-five.]

10 S 10-a. Open space development prohibited. Notwithstanding any other
11 provision of this act, or any other law to the contrary, on or after the
12 effective date of this section, no further development or construction
13 for other than park purposes shall be permitted on any real property
14 which is identified as open space areas in the general development plan
15 as amended May 10, 1990 and approved by the board of estimate of the
16 city of New York on August 17, 1990 and referred to in the lease defined
17 in subdivision six of section two of this act, and on such real property
18 shall remain open space areas for the duration of the lease unless such
19 development or construction includes the reconstruction, restoration,
20 rehabilitation or preservation of the historic landmarks located in such
21 open space areas and furthers the use of the areas surrounding the
22 historic landmarks as open space areas. Open space areas, as used in
23 this section shall INCLUDE, BUT NOT be limited to Lighthouse park, Octa-
24 gon park, Blackwell park, and South Point park.

25 S 11. LIABILITY FOR COMMUNITY OBLIGATIONS; TAX EXEMPTION. 1. The
26 obligations of the corporation shall not be debts of the state, and the
27 state shall not be liable thereon, and such obligations shall not be
28 payable out of any funds other than those of the corporation.

29 2. It is hereby found, determined and declared that the creation of
30 the corporation and the carrying out of its purposes is in all respects
31 for the benefit of the people of the state and is a public purpose, and
32 that the corporation will be performing an essential governmental func-
33 tion in the exercise of the powers conferred upon it by this act. The
34 corporation and its operations, property and moneys shall be free and
35 exempt from taxation of every kind by the city and the state and any
36 subdivision thereof. Except as hereinabove provided and except as may
37 otherwise specifically be provided, nothing contained in this act shall
38 confer exemption from any tax, assessment or fee upon any person, firm,
39 corporation or other entity, or upon the obligations of any of them.

40 3. ANY EXPENDITURES OF THE CORPORATION SHALL BE IN ACCORDANCE WITH THE
41 ADOPTED BUDGET OR A MODIFICATION APPROVED BY THE BOARD OF DIRECTORS.
42 EXPENDITURES SHALL BE MADE BY CHECK, SIGNED AS PROVIDED BY THE BY-LAWS.

43 S 12. DIVISION OF HOUSING AND COMMUNITY RENEWAL; ASSISTANCE AND
44 SERVICES. The corporation may from time to time request the division to
45 perform such services and render such technical assistance to the corpo-
46 ration with respect to the development, management or operation of
47 Roosevelt Island as the corporation deems necessary or convenient and
48 may provide for the reimbursement to the division by the corporation of
49 the reasonable cost of such services. The division is hereby authorized
50 to perform such services and render such technical assistance as may be
51 agreed upon between the division and the corporation pursuant to this
52 section. In addition, the commissioner is hereby authorized to represent
53 the corporation in any negotiations with the city concerning amendments
54 or supplements to or reformations of the lease and tramway franchise as
55 contemplated by section six of this act.

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1 S 13. OPERATION OF MOTOR VEHICLES. In addition to any other power
2 conferred upon it by this act, the corporation is hereby authorized to
3 prescribe rules and regulations governing the operation (including the
4 parking, standing or stopping) of vehicles on Roosevelt Island; provided
5 however, that such rules and regulations shall not UNREASONABLY restrict
6 access to any city facilities situated on Roosevelt Island nor unreason-
7 ably restrict parking by city of New York employees, their visitors and
8 invitees IN THE IMMEDIATE VICINITY OF SUCH CITY FACILITIES. The

9 violation of such rules or regulations shall be an offense punishable
10 upon a first conviction thereof by a fine of not more than [fifty] 50
11 dollars, upon a second within a period of [eighteen] 18 months by a fine
12 of not more than [one hundred fifty] 150 dollars, and upon a third or
13 subsequent conviction thereof within a period of [eighteen] 18 months by
14 a fine of not more than [one hundred fifty] 150 dollars, or by imprison-
15 ment for not more than [thirty] 30 days, or by both such fine and such
16 imprisonment. For purposes of enforcement and administration of such
17 rules and regulations, including but not limited to conferring jurisdic-
18 tion with respect thereto upon the applicable courts and administrative
19 tribunals, all provisions of law relating to, and rules or regulations
20 of, the New York city department of transportation not inconsistent with
21 this act shall be applicable.

22 S 14. SEPARABILITY OF PROVISIONS. If any section, clause or provision
23 of this act or the application thereof shall be adjudged invalid, such
24 judgment shall not affect or invalidate any other section, clause or
25 provision of this act.

26 S 15. TRANSFER OF FUNDS. 1. Notwithstanding the provisions of any
27 general or special law, the director of the budget is authorized to
28 transfer to the corporation from funds appropriated to the division for
29 the fiscal year beginning April [first, nineteen hundred eighty-four] 1,
30 1984, the amount he determines necessary to carry out the provisions of
31 this act, including providing for Roosevelt Island operations, capital
32 improvement program and any other appropriate management expenses.

33 2. Notwithstanding the provisions of any general or special law, no
34 part of such appropriations shall be available for the purposes desig-
35 nated until a certificate of approval of availability shall have been
36 issued by the director of the budget and a copy of such certificate is
37 filed with the state comptroller, the [chairman] CHAIR of the senate
38 finance committee and the [chairman] CHAIR of the assembly ways and
39 means committee. Such certificate may be amended from time to time,
40 subject to the approval of the director of the budget, and a copy of
41 each such amendment shall be filed with the state comptroller, the
42 [chairman] CHAIR of the senate finance committee and the [chairman]
43 CHAIR of the assembly ways and means committee.

44 S 16. This act shall take effect [thirty days] ON THE THIRTIETH DAY
45 after it shall have become a law.

46 S 2. This act shall take effect immediately.