

S T A T E O F N E W Y O R K

10033--C

I N A S S E M B L Y

February 25, 2010

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Local Governments -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to the town of Hempstead industrial development agency and the Nassau county industrial agency

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

- 1 Section 1. The opening paragraph of section 905 of the general municipal law is designated subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as follows:
- 2 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE VILLAGE COMMUNITY.
- 3 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO

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

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1 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
2 SUCH VILLAGES.

3 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
4 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
5 FULL FORENSIC AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY
6 OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREE-
7 MENT WITH THE AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL
8 JOINTLY CHOOSE A QUALIFIED ENTITY TO CONDUCT SUCH FORENSIC AUDIT. THE
9 PARTY THAT IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO
10 THE PILOT AGREEMENT WITH THE AGENCY SHALL BEAR THE COSTS OF PREPARING
11 SUCH FORENSIC AUDIT. THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD
12 MAY REQUEST FROM THE OFFICE OF THE STATE COMPTROLLER AN AUDIT OR REVIEW
13 OF THE FORENSIC AUDIT PRIOR TO THE RENEWAL OR RENEGOTIATION OF A PILOT
14 AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
15 VILLAGE OF HEMPSTEAD.

16 S 2. The opening paragraph of section 922 of the general municipal
17 law, as amended by chapter 474 of the laws of 1988, is designated subdi-
18 vision 1 and three new subdivisions 2, 3 and 4 are added to read as
19 follows:

20 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
21 TAXES (PILOT) AGREEMENT BY THE AGENCY FOR A PROJECT LOCATED IN THE
22 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF
23 THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED.
24 THE AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF
25 THE VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED
26 BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
27 VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT
28 ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE OF THE PROJECT AND THE
29 PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL
30 BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND
31 THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO
32 CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEW-
33 ING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN
34 THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT
35 LEAST ONE MEMBER OF SUCH VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT
36 LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE VILLAGE COMMUNITY.

37 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
38 IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD
39 YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THERE-
40 AFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO
41 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
42 SUCH VILLAGES.

43 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
44 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
45 FULL FORENSIC AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY
46 OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREE-
47 MENT WITH THE AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL
48 JOINTLY CHOOSE A QUALIFIED ENTITY TO CONDUCT SUCH FORENSIC AUDIT. THE
49 PARTY THAT IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO
50 THE PILOT AGREEMENT WITH THE AGENCY SHALL BEAR THE COSTS OF PREPARING
51 SUCH FORENSIC AUDIT. THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD
52 MAY REQUEST FROM THE OFFICE OF THE STATE COMPTROLLER AN AUDIT OR REVIEW
53 OF THE FORENSIC AUDIT PRIOR TO THE RENEWAL OR RENEGOTIATION OF A PILOT
54 AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
55 VILLAGE OF HEMPSTEAD.

56 S 3. This act shall take effect immediately.