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

3659

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. HOYT, JOHN, BRODSKY, MAGNARELLI, NOLAN, CAHILL, WEPRIN, GOTTFRIED, ARROYO, LATIMER, SCHROEDER, PEOPLES, MORELLE, GUNTHER, DelMONTE, LANCMAN, FIELDS, P. RIVERA, ESPAILLAT, MILLMAN, JEFFRIES, O'DONNELL, MAISEL, BOYLAND, BRADLEY, STIRPE, ENGLEBRIGHT, KAVANAGH, KELLNER, RABBITT, COLTON, PAULIN, ROSENTHAL, SWEENEY -- Multi-Sponsored by -- M. of A. BENJAMIN, CALHOUN, CAMARA, GALEF, GIANARIS, HEASTIE, KOON, PHEFFER, RAMOS, REILLY, SPANO, TOWNS, WALKER, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the economic development law, the labor law and the public authorities law, in relation to the function of industrial development agencies and making certain conforming changes; to amend chapter 444 of the laws of 1997 amending the general municipal law and other laws relating to the tax exemption status of industrial development agencies, and chapter 905 of the laws of 1986 amending the general municipal law relating to authorizing financing assistance for civic facilities by industrial development agencies, in relation to the effectiveness of such chapter

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

Section 1. Subdivisions 4, 9, 14 and 18 of section 854 of the general municipal law, subdivision 4 as separately amended by chapters 444 and 659 of the laws of 1997, subdivision 9 as amended by chapter 630 of the laws of 1977, subdivisions 14 and 18 as added by chapter 356 of the laws of 1993, and paragraph (c) of subdivision 18 as further amended by section 15 of part GG of chapter 63 of the laws of 2000, are amended and eight new subdivisions 20, 21, 22, 23, 24, 25, 26 and 27 are added to read as follows:

(4) "Project" - shall mean any land, any building or other improvement, and all real and personal properties located within the state of New York and within or partially within and partially outside the muni-

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

LBD03337-02-9

cipality for whose benefit the agency was created, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, civic, commercial or industrial purposes or other economically sound purposes identified and called for to implement a state designated urban cultural park management plan as provided in title G of the parks, recreation and historic preservation law and which may include or mean an industrial pollution control facility, a recreation facility, educational or cultural facility, a horse racing facility, a railroad facility, OR a continuing care retirement community, [or a civic facility,] provided, however, that, of agencies governed by this article, only agencies created for the benefit of a county and the agency created for the benefit of the city of New York shall provide financial assistance in any respect to a continuing care retirement community, and provided, however, no agency shall provide financial assistance in respect of any project partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the governing body or bodies of all the other municipalities in which any part of the project is, or is to be, located. Where a project is located partially within and partially outside the municipality for whose benefit the agency was created, the portion of the project outside the municipality must be contiguous with the portion of the project inside the municipality. Provided further, that no agency shall provide financial assistance for any project where the project applicant has any agreement to subsequently contract with a municipality for the lease or purchase of such project or project facility. PROVIDED, FURTHER, THAT NO AGENCY SHALL PROVIDE FINANCIAL ASSISTANCE TO A RECREATIONAL FACILITY UNLESS: IT WILL PROVIDE RECREATIONAL ACTIVITIES THAT ARE NOT CURRENTLY PROVIDED IN THE AREA; THE RECREATIONAL FACILITY IS LIKELY TO ATTRACT A SIGNIFICANT NUMBER OF VISITORS FROM OUTSIDE THE ECONOMIC DEVELOPMENT REGION, AS ESTABLISHED BY SECTION TWO HUNDRED THIRTY OF THE ECONOMIC DEVELOPMENT LAW, IN WHICH THE PROJECT IS LOCATED; OR THERE IS AN UNMET DEMAND FOR SUCH RECREATIONAL ACTIVITIES DESPITE THE EXISTENCE OF ONE OR MORE PROVIDERS.

(9) "Recreation facility"--shall mean any facility for the use of the general public as spectators or participants in recreation activities, including [but not limited to] skiing, [golfing,] swimming, tennis, ice skating or ice hockey facilities, together with all buildings, structures, machinery, equipment, facilities and appurtenances thereto which the agency may deem necessary, useful or desirable in connection with the construction, improvement or operation of any such facility, including overnight accommodations and other facilities incidental thereto and facilities that may permit the use of recreation facilities by the general public as participants in recreation activities, but shall not include facilities for automobile or horse racing or other similar activities.

(14) "Financial assistance" - shall mean the proceeds of bonds issued by an agency, straight-leases, GRANTS, LOANS, or exemptions from taxation claimed by a project occupant as a result of an agency taking title, possession or control (by lease, license or otherwise) to the property or equipment of such project occupant or of such project occupant acting as an agent of an agency.

(18) "Highly distressed area" - shall mean (a) a census tract or tracts or block numbering areas or areas or such census tract or block

numbering area contiguous thereto which, according to the most recent census data available, has:

(i) a poverty rate of at least twenty percent for the year to which the data relates or at least twenty percent of households receiving public assistance; and

(ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates; or

(b) a city, town, village or county within a city with a population of one million or more for which: (i) the ratio of the full value property wealth, as determined by the comptroller for the year nineteen hundred ninety, per resident to the statewide average full value property wealth per resident; and (ii) the ratio of the income per resident; as shown in the nineteen hundred ninety census to the statewide average income per resident; are each fifty-five percent or less of the statewide average[; or

(c) an area which was designated an empire zone pursuant to article eighteen-B of this chapter].

(20) "APPLICATION" SHALL MEAN THE FORM SUBMITTED TO AN AGENCY TO OBTAIN APPROVAL AND FINANCIAL ASSISTANCE FOR A PROJECT.

(21) "FULL-TIME JOB" SHALL MEAN A JOB IN WHICH AN INDIVIDUAL IS EMPLOYED AT LEAST THIRTY-FIVE HOURS A WEEK.

(22) "LABOR MARKET AREA" SHALL MEAN AN AREA WITHIN WHICH INDIVIDUALS CAN READILY CHANGE EMPLOYMENT WITHOUT CHANGING THEIR PLACE OF RESIDENCE.

(23) "LOSS OF EMPLOYMENT" SHALL MEAN THE LOSS OF FIFTY OR MORE JOBS IN THE LABOR MARKET AREA THROUGH THE RELOCATION OF JOBS OR LAYOFFS.

(24) "PART-TIME JOB" SHALL MEAN A JOB IN WHICH AN INDIVIDUAL IS EMPLOYED LESS THAN THIRTY-FIVE HOURS A WEEK.

(25) "PROJECT APPLICANT" SHALL MEAN A PERSON, FIRM, COMPANY, OR ORGANIZATION THAT APPLIES FOR FINANCIAL ASSISTANCE FROM AN AGENCY TO DEVELOP A PROJECT IN THIS STATE.

(26) "RECIPIENT" SHALL MEAN A PROJECT APPLICANT THAT HAS RECEIVED APPROVAL AND FINANCIAL ASSISTANCE FOR A PROJECT.

(27) "SUBSTANTIAL VIOLATION" SHALL MEAN A VIOLATION OF A LAW, RULE OR REGULATION THAT IS PUNISHABLE BY IMPRISONMENT FOR AT LEAST FIFTEEN DAYS OR A FINE OF AT LEAST ONE HUNDRED DOLLARS, OR BOTH.

S 1-a. Paragraph (b) of subdivision 1 of section 856 of the general municipal law, as added by chapter 1030 of the laws of 1969, is amended to read as follows:

(b) Every such agency shall be perpetual in duration, except that if (1) such certificate is not filed with the secretary of state within six months after the effective date of the special act of the legislature establishing such agency or before the first day of July, nineteen hundred sixty-nine, whichever date shall be later, or if (2) at the expiration of [ten] FIVE years subsequent to the effective date of the special act, there shall be outstanding no bonds or other obligations theretofore issued by such agency or by the municipality for or in behalf of the agency, then the corporate existence of such agency shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

S 2. Subdivision 2 of section 856 of the general municipal law, as amended by chapter 356 of the laws of 1993, is amended to read as follows:

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an agency shall consist of not less than three nor more than seven members who shall be appointed by the governing body of

each municipality and who shall serve [at the pleasure of the appointing authority] FOR A TERM OF FOUR YEARS. Such members [may] SHALL include representatives of local government, school boards, organized labor DESIGNATED BY THE LARGEST CENTRAL LABOR FEDERATION IN THE MUNICIPALITY, and [business] ENVIRONMENTAL ORGANIZATIONS. A member shall continue to hold office until his OR HER successor is appointed and has qualified. The governing body of each municipality shall designate the first [chairman] CHAIRPERSON and file with the secretary of state a certificate of appointment or reappointment of any member. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties. EACH MEMBER MUST ATTEND AT LEAST TEN PERCENT OF ALL OF THE HEARINGS HELD PURSUANT TO SECTION EIGHT HUNDRED FIFTY-NINE-A OF THIS TITLE OR SUCH MEMBER SHALL BE DEEMED TO HAVE FORFEITED THEIR OFFICE. MEMBERS MUST NOT BE OR HAVE, WITHIN THE PAST FIVE YEARS, BEEN:

(A) AN EMPLOYEE OR AN OWNER OF A FIRM THAT IS A PAID ADVISOR OR CONSULTANT OF THE AGENCY, INCLUDING A PRESENT OR FORMER INDEPENDENT AUDITOR OF THE AGENCY;

(B) EMPLOYED BY A SIGNIFICANT SUPPLIER OF THE AGENCY;

(C) EMPLOYED BY AND HAD A FIVE PERCENT OR GREATER OWNERSHIP INTEREST IN A SUPPLIER WHERE SALES TO THE AGENCY REPRESENT MORE THAN ONE PERCENT OF THE SALES OF THE SUPPLIER OR MORE THAN ONE PERCENT OF THE PURCHASES OF THE AGENCY;

(D) A LOBBYIST REGISTERED UNDER A STATE OR LOCAL LAW COVERING ANY JURISDICTION SERVED IN WHOLE OR IN PART BY THE AGENCY.

S 3. Subdivision 15 of section 858 of the general municipal law, as added by chapter 356 of the laws of 1993, is amended and a new subdivision 18 is added to read as follows:

(15) To enter into agreements requiring payments in lieu of taxes. Such agreements shall be in writing and in addition to other terms shall contain: the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which payment shall be made, and the date on which payment shall be considered delinquent if not paid. Unless otherwise agreed by the affected tax jurisdictions, any such agreement shall provide that payments in lieu of taxes shall be allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the agency involved in the project. A copy of any such agreement shall be delivered to each affected tax jurisdiction within fifteen days of signing the agreement. [In the absence of any such written agreement, payments in lieu of taxes made by an agency shall be allocated in the same proportions as they had been prior to January first, nineteen hundred ninety-three for so long as the agency's activities render a project non-taxable by affected tax jurisdictions;] THE AGREEMENT SHALL BE PUBLISHED BY THE AGENCY IN ELECTRONIC AND PAPER FORM, AND SHALL BE POSTED ON ITS WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

(18) TO ESTABLISH AND MAINTAIN AN AGENCY WEBSITE.

S 4. Subdivision 2 of section 858-b of the general municipal law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York state depart-

ment of labor community services division, and with the administrative entity of the service delivery area created by the federal job training partnership act (P.L. No. 97-300) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider persons eligible to participate in the federal job training partnership (P.L. No. 97-300) programs who shall be referred by administrative entities of service delivery areas created pursuant to such act or by the community services division of the department of labor for such [such] new employment opportunities, AND SECONDLY TO CONSIDER PERSONS LIVING IN A METROPOLITAN STATISTICAL AREA, AS DEFINED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, THAT IS IN OR ADJACENT TO THE PROJECT IN WHICH THE MOST RECENT CENSUS DETERMINES THAT MORE THAN THIRTY PERCENT OF THE RESIDENTS LIVE BELOW THE FEDERAL POVERTY LINE, AS ISSUED IN THE FEDERAL REGISTER BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

S 5. Section 859 of the general municipal law, as added by chapter 692 of the laws of 1989, paragraph (b), and the first and second undesignated paragraphs and subparagraph (v) of paragraph (e) of subdivision 1 as amended by chapter 357 of the laws of 1993, paragraph (e) of subdivision 1 and subdivision 3 as added and subdivision 2 as amended by chapter 356 of the laws of 1993, and paragraph (f) of subdivision 1 as added by section 28 of part A3 of chapter 62 of the laws of 2003, is amended to read as follows:

S 859. Financial AND OTHER records. 1. (a) Each agency shall maintain books and records in such form as may be prescribed by the state comptroller.

(b) Within ninety days following the close of its fiscal year, each agency or authority shall prepare a financial statement for that fiscal year in such form as may be prescribed by the state comptroller. Such statement shall be audited within such ninety day period by an independent certified public accountant in accordance with government accounting standards established by the United States general accounting office. The audited financial statement shall include supplemental schedules listing all straight-lease transactions and bonds and notes issued, outstanding or retired during the applicable accounting period whether or not such bonds, notes or transactions are considered obligations of the agency. For each issue of bonds or notes such schedules shall provide the name of each project financed with proceeds of each issue, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each bond or note was issued, date of issue, interest rate at issuance and if variable the range of interest rates applicable, maturity date, federal tax status of each issue, and an estimate of the number of jobs created and retained by each project. For each straight-lease transaction, such schedules shall provide the name of each project, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each transaction was made, the method of financial assistance utilized by the project, other than the tax exemptions claimed by the project and an estimate of the number of jobs created and retained by each project.

(c) WITHIN NINETY DAYS FOLLOWING THE CLOSE OF ITS FISCAL YEAR, THE AGENCY SHALL PREPARE A PROJECT REPORT FOR THAT FISCAL YEAR IN SUCH FORM AS MAY BE PRESCRIBED BY THE STATE COMPTROLLER. SUCH REPORT SHALL INCLUDE

THE FOLLOWING INFORMATION CONCERNING RECIPIENTS THAT HAVE A CURRENT FINANCIAL ASSISTANCE AGREEMENT WITH THE AGENCY:

(I) THE TOTAL AMOUNT OF EACH TYPE OF FINANCIAL ASSISTANCE PROVIDED TO RECIPIENTS;

(II) THE TOTAL AMOUNT OF UNPAID TAX REVENUE TO THE MUNICIPALITY AS A RESULT OF SUCH AGREEMENTS;

(III) A LIST OF ALL PROJECTS, INCLUDING THE FOLLOWING INFORMATION FOR EACH PROJECT:

(1) A DESCRIPTION OF THE PROJECT, INCLUDING THE NAME, ADDRESS, AND THE NAMES OF THE RECIPIENT AND ANY TENANTS AT THE PROJECT;

(2) THE PUBLIC PURPOSE AND BENEFITS OF THE PROJECT;

(3) THE AMOUNT OF EACH TYPE OF FINANCIAL ASSISTANCE PROVIDED, INCLUDING THE PERIOD OF THE ASSISTANCE AND THE AMOUNT OF UNPAID TAX REVENUES AS A RESULT OF THE AGREEMENT;

(4) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS REQUIRED TO BE CREATED OR RETAINED, AND THE NUMBER AND TYPES OF JOBS ACTUALLY CREATED OR RETAINED;

(5) THE WAGES AND BENEFITS REQUIRED TO BE PAID, AND THE WAGES AND BENEFITS ACTUALLY PAID;

(6) THE AMOUNT OF CAPITAL INVESTMENT AND OTHER EXPENDITURES REQUIRED TO BE MADE BY THE RECIPIENT, AND THE AMOUNTS ACTUALLY EXPENDED;

(7) ANY PAYMENTS MADE IN LIEU OF TAXES, INCLUDING ANY DELINQUENT PAYMENTS; AND

(8) ANY ENFORCEMENT ACTION BY ANY LOCAL OR STATE AGENCY OR DEPARTMENT FOR NON-COMPLIANCE WITH THE AGREEMENT.

(D) Within thirty days after completion, a copy of the audited financial statement AND THE PROJECT REPORT shall be transmitted to the commissioner of the department of economic development, the state comptroller and the governing body of the municipality for whose benefit the agency was created.

[(d)] (E) An agency with no bonds or notes OR OTHER FINANCIAL ASSISTANCE issued or outstanding and no projects during the applicable accounting period may apply to the state comptroller for a waiver of the required audited financial statement AND PROJECT REPORT. Application shall be made on such form as the comptroller may prescribe.

[(e)] (F) If an agency or authority shall fail to file or substantially complete, as determined by the state comptroller, the financial statement AND THE PROJECT REPORT required by this section, the state comptroller shall provide notice to the agency or authority. The notice shall state the following:

(i) that the failure to file a financial statement AND THE PROJECT REPORT as required is a violation of this section, or in the case of an insufficient financial statement OR PROJECT REPORT, the manner in which the financial statement OR PROJECT REPORT submitted is deficient;

(ii) that the agency or authority has thirty days to comply with this section or provide an adequate written explanation to the comptroller of the agency's or authority's reasons for the inability to comply; and

(iii) that the agency's or authority's failure to provide either the required financial statement AND THE PROJECT REPORT or an adequate explanation will result in the notification of the chief executive officer of the municipality for whose benefit the agency or authority was created of the agency's noncompliance with this section. Where such agency or authority has failed to file the required statement AND PROJECT REPORT, the comptroller shall additionally notify the agency or authority that continued failure to file the required statement AND

PROJECT REPORT may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(iv) If an agency or authority after thirty days has failed to file the required statement or the explanation in the manner required by subparagraph (i) of this paragraph, or provides an insufficient explanation, the comptroller shall notify the chief executive officer of the municipality for whose benefit the agency or authority was created and the agency of the agency's or authority's noncompliance with this section. Such notice from the state comptroller shall further delineate in what respect the agency or authority has failed to comply with this section. If the agency or authority has failed to file the required statement AND PROJECT REPORT, the notice shall additionally state that continued failure to file the required statement AND PROJECT REPORT may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(v) If, thirty days after notification of the chief executive officer of the municipality for whose benefit the agency or authority was created of the agency's or authority's noncompliance, the agency or authority fails to file the required statement AND PROJECT REPORT, the comptroller shall notify the chief executive officer of the municipality for whose benefit that agency or authority was created and the agency or authority that if such STATEMENT AND PROJECT report [is] ARE not provided within sixty days, that the agency or authority will no longer be authorized to provide exemptions from state taxes.

(vi) If, sixty days after the notification required by subparagraph (v) of this paragraph, the comptroller has not received the required statement AND PROJECT REPORT, the agency or authority shall not offer financial assistance which provides exemptions from state taxes until such financial statement [is] AND PROJECT REPORT ARE filed and the comptroller shall so notify the agency or authority and the chief executive officer of the municipality for whose benefit the agency was created. Provided, however, that nothing contained in this paragraph shall be deemed to modify the terms of any existing agreements.

[(f)] (G) Within thirty days after completion, a copy of an audited financial statement which contains transactions of or bonds or notes of civic facilities as defined in paragraph (b) of subdivision thirteen of section eight hundred fifty-four of this [article] TITLE, AND THE PROJECT REPORT, shall be transmitted by the agency to the commissioner of health, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate health committee and the chair of the assembly health committee.

(H) THE PROJECT REPORT AND THE AUDITED FINANCIAL STATEMENT SHALL BE PUBLISHED IN ELECTRONIC AND PAPER FORM, AND SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

2. On or before September first of each year, the commissioner of the department of economic development shall prepare and submit to the governor, speaker of the assembly, [majority leader] TEMPORARY PRESIDENT of the senate, and the state comptroller, a report setting forth a summary of the significant trends in operations and financing by agencies and authorities; departures from acceptable practices by agencies and authorities; a compilation by type of the bonds and notes outstanding AND OTHER FINANCIAL ASSISTANCE PROVIDED; a compilation of all outstanding straight-lease transactions; an estimate of the total number of jobs created and retained by agency or authority projects; AN ESTIMATE OF THE WAGES AND BENEFITS PAID BY RECIPIENTS BROKEN DOWN BY JOB TYPE; A STATEMENT OF WHETHER ANY RECIPIENT FAILED TO REMAIN AT A PROJECT

FOR THE REQUIRED PERIOD; A SUMMARY OF ANY ENFORCEMENT ACTIONS FOR NON-COMPLIANCE WITH THIS SECTION OR ANY FINANCIAL ASSISTANCE AGREEMENT; and any other information which in the opinion of the commissioner bears upon the discharge of the statutory functions of agencies and authorities.

3. On or before April first, nineteen hundred ninety-six, the commissioner shall submit to the director of the division of the budget, the temporary president of the senate, the speaker of the assembly, the chairman of the senate finance committee, the chairman of the assembly ways and means committee, the chairman of the senate local government committee, the chairman of the senate committee on commerce, economic development and small business, the chairman of the assembly committee on commerce, industry and economic development, the chairman of the assembly local governments committee and the chairman of the assembly real property taxation committee an evaluation of the activities of industrial development agencies and authorities in the state prepared by an entity independent of the department. Such evaluation shall identify the effect of agencies and authorities on: (a) job creation and retention in the state, including the types of jobs created and retained; (b) PAYMENT OF WAGES AND BENEFITS ON PROJECTS; (C) COMMITMENTS BY RECIPIENTS TO REMAIN FOR THE REQUIRED PERIOD; (D) the value of tax exemptions provided by such agencies and authorities; [(c)] (E) the value of payments received in lieu of taxes received by municipalities and school districts as a result of projects sponsored by such entities; [(d)] (F) a summary of the types of projects that received financial assistance; [(e)] (G) a summary of the types of financial assistance provided by the agencies and authorities; [(f)] (H) a summary of criteria for evaluation of projects used by agencies and authorities; [(g)] (I) a summary of tax exemption policies of agencies and authorities; and [(h)] (J) such other factors as may be relevant to an assessment of the performance of such agencies and authorities in creating and retaining job opportunities for residents of the state. Such evaluation shall also assess the process by which agencies and authorities grant exemptions from state taxes and make recommendations for the most efficient and effective procedures for the use of such exemptions. Such evaluation shall further include any recommendations for changes in laws governing the operations of industrial development agencies and authorities which would enhance the creation and retention of jobs in the state.

4. (A) EACH AGENCY SHALL MAINTAIN:

(I) AN OFFICIAL RECORD OF ITS PROCEEDINGS, INCLUDING ALL MINUTES OF MEETINGS, RESOLUTIONS AND MOTIONS VOTED UPON;

(II) A LIST OF ALL PENDING PROJECTS FOR WHICH IT HAS RECEIVED AN APPLICATION; AND

(III) A SCHEDULE OF ALL PAYMENTS IN LIEU OF TAXES (PILOT) OWED TO AFFECTED TAX JURISDICTIONS, INCLUDING ALL DELINQUENT PILOT PAYMENTS AND THE NAME OF THE TAXPAYER, THE AMOUNT OF THE DELINQUENCY AND THE DUE DATE OF THE PAYMENT.

(B) THE INFORMATION REQUIRED UNDER THIS SUBDIVISION SHALL BE PUBLISHED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

S 6. Section 859-a of the general municipal law, as added by chapter 356 of the laws of 1993, subdivision 3 as amended by chapter 444 of the laws of 1997, is amended to read as follows:

S 859-a. Additional prerequisites to the provisions of financial assistance. 1. THE AGENCY SHALL PROVIDE FINANCIAL ASSISTANCE OF LESS THAN ONE HUNDRED THOUSAND DOLLARS TO NO LESS THAN THREE PROJECTS EACH CALENDAR YEAR; PROVIDED THAT IN ANY YEAR WHERE NO FINANCIAL ASSISTANCE

IS PROVIDED TO ANY PROJECT, OR IN CASES WHERE NO PROJECT REQUESTS FOR LESS THAN ONE HUNDRED THOUSAND DOLLARS ARE RECEIVED, SUCH REQUIREMENT SHALL BE WAIVED.

2. Prior to providing any financial assistance of more than one hundred thousand dollars to any project, the agency must comply with the following prerequisites:

[1.] (A) The agency must adopt a resolution describing the project and the financial assistance that the agency is contemplating with respect to such project. Such assistance shall be consistent with the uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) policy adopted by the agency pursuant to subdivision four of section eight hundred seventy-four of this [chapter] TITLE, unless the agency has followed the procedures for deviation from such policy specified in paragraph (b) of such subdivision.

(B) THE AGENCY SHALL ADOPT A RESOLUTION ESTABLISHING CRITERIA TO EVALUATE AND SELECT PROJECTS FOR WHICH FINANCIAL ASSISTANCE MAY BE PROVIDED. THE CRITERIA SHALL REQUIRE THAT:

(I) ALL NECESSARY INFORMATION AND CERTIFICATIONS HAVE BEEN SUBMITTED TO THE AGENCY PRIOR TO THE APPROVAL OF AN APPLICATION;

(II) CLEAR AND CONVINCING EVIDENCE EXISTS THAT THE PROJECT WOULD NOT BE UNDERTAKEN BUT FOR THE FINANCIAL ASSISTANCE PROVIDED BY THE AGENCY;

(III) THE AGENCY HAS UNDERTAKEN AN INDEPENDENT ANALYSIS COMPARING EACH PROPOSED PROJECT BASED ON THE NUMBER OF FULL-TIME AND PART-TIME JOBS TO BE CREATED AND RETAINED, THE WAGES AND BENEFITS TO BE PAID FOR THOSE JOBS, AND THE ESTIMATED COST OF THE FINANCIAL ASSISTANCE;

(IV) THE AGENCY HAS DETERMINED THAT THE PROJECTED JOB CREATION AND RETENTION GOALS ARE REASONABLE;

(V) THE AGENCY HAS ESTABLISHED BENCHMARKS TO DETERMINE WHETHER THE PROJECT WILL MEET PROJECTED GOALS, INCLUDING JOB CREATION AND RETENTION GOALS;

(VI) THE AGENCY HAS ESTABLISHED A POINT SCORING SYSTEM TO EVALUATE THE JOB, WAGE, INVESTMENT, AND COMMUNITY AND WORKFORCE DEVELOPMENT ATTRIBUTES OF EACH PROJECT IN ORDER TO DETERMINE A SCHEDULE FOR RELEASING THE FINANCIAL ASSISTANCE; AND

(VII) THE AGENCY HAS REVIEWED THE PROJECT APPLICANT'S COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.

(C) THE AGENCY HAS RECEIVED AN APPLICATION AND COMMUNITY IMPACT REPORT FROM THE RECIPIENT.

[2] 3. The agency [must] SHALL hold a public hearing with respect to the project and the proposed financial assistance being contemplated by the agency WITHIN SIXTY DAYS OF THE FILING OF THE APPLICATION AND COMMUNITY IMPACT REPORT. [Said] SUCH public hearing shall be held in a city, town or village where the project [proposes] IS PROPOSED to [locate] BE LOCATED AND SHALL BE ATTENDED BY NO LESS THAN TWO BOARD MEMBERS. At [said] SUCH public hearing, interested parties shall be provided reasonable opportunity, both orally and in writing, to present their views with respect to the project, THE APPLICATION, AND THE COMMUNITY IMPACT REPORT.

[3] 4. The agency must give at least thirty days published notice of [said] SUCH public hearing and shall, at the same time, provide notice of such hearing to [the] STATE LEGISLATORS, chief executive officer AND GOVERNING BODY of each affected tax jurisdiction within which the project is PROPOSED TO BE located. SUCH NOTICE SHALL ALSO BE PROVIDED VIA E-MAIL AND SHALL BE POSTED ON THE AGENCY WEBSITE. The notice of hearing must state the time and place of the hearing, contain a general, functional description of the project, describe the prospective location

of the project, identify the initial owner, operator or manager of the project [and], generally describe the financial assistance contemplated by the agency with respect to the project, and provide an opportunity for the public to review the project application AND THE COMMUNITY IMPACT REPORT, which shall include an analysis of the costs and benefits of the proposed project.

5. THE AGENCY SHALL MAINTAIN A COMPLETE AND ACCURATE RECORD OF THE HEARING, INCLUDING ALL DOCUMENTS AND ALL WRITTEN OR ORAL STATEMENTS PRESENTED. ANY MEMBERS NOT PRESENT AT THE HEARING SHALL BE PROVIDED WITH A COPY OF SUCH RECORD BEFORE DECIDING WHETHER TO APPROVE THE APPLICATION. SUCH RECORD SHALL ALSO BE POSTED ON THE AGENCY WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

6. AN AGENCY MAY NOT APPROVE AN APPLICATION UNLESS IT FINDS THAT ANY NEGATIVE IMPACT FROM THE PROJECT PRESENTED IN THE COMMUNITY IMPACT REPORT OR DURING THE HEARING PROCESS WILL BE AVOIDED OR MINIMIZED TO THE MAXIMUM EXTENT POSSIBLE.

S 7. The general municipal law is amended by adding a new section 859-c to read as follows:

S 859-C. APPLICATION AND COMMUNITY IMPACT REPORT. 1. THE PROJECT APPLICANT SHALL SUBMIT AN APPLICATION TO THE AGENCY FOR APPROVAL OF A PROPOSED PROJECT AND FINANCIAL ASSISTANCE. THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL DEVELOP AN APPLICATION FORM FOR THE AGENCY TO PROVIDE TO APPLICANTS THAT SHALL REQUIRE THE FOLLOWING INFORMATION:

(A) THE NAME AND ADDRESS OF THE PROJECT APPLICANT, INCLUDING THE NAMES OF THE PRINCIPAL OFFICERS AND ANY PARENT OR SUBSIDIARY CORPORATIONS, AND MAJOR SHAREHOLDERS (TEN PERCENT OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, AND TWENTY-FIVE PERCENT OR MORE OF THE SHARES FOR OTHER COMPANIES);

(B) A DESCRIPTION OF THE PROJECT, INCLUDING THE ADDRESS OF THE PROPOSED LOCATION;

(C) THE PUBLIC PURPOSE OF THE PROJECT;

(D) THE PROJECTED PUBLIC AND PRIVATE COSTS OF THE PROJECT, INCLUDING FINANCIAL ASSISTANCE AND CAPITAL AND INFRASTRUCTURE COSTS;

(E) THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED;

(F) THE AMOUNT AND TYPE OF PRIVATE FINANCING REQUIRED, AND THE TERMS AND COMMITMENTS TO PROVIDE SUCH FINANCING;

(G) THE AMOUNT AND TYPE OF CAPITAL INVESTMENT TO BE PROVIDED BY THE PROJECT APPLICANT;

(H) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS TO BE CREATED, THE WAGES AND BENEFITS TO BE PAID, THE PROJECTED DATES OF HIRE, AND THE NUMBER OF LOCAL RESIDENTS TO BE EMPLOYED;

(I) A STATEMENT AS TO WHETHER THE PROJECT APPLICANT, ITS OFFICERS, PARENT COMPANY, SUBSIDIARIES, OR MAJOR SHAREHOLDERS HAVE BEEN FOUND TO HAVE VIOLATED ANY FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR MINORITY OR WOMEN-OWNED BUSINESSES, OR IS SUBJECT TO A PENDING PROCEEDING OR INVESTIGATION FOR SUCH A VIOLATION;

(J) A CERTIFICATION BY THE PROJECT APPLICANT'S CHIEF EXECUTIVE OFFICER THAT THE APPLICATION IS ACCURATE AND COMPLETE;

(K) THE NAME OF THE PROJECT ARCHITECT, ENGINEER AND CONTRACTORS;

(L) THE HISTORY OF THE APPLICANT INCLUDING THE YEAR THE BUSINESS WAS ESTABLISHED, ANNUAL REPORT AND STATEMENT AND STATUS REGARDING THE PAST USE OF GOVERNMENT INCENTIVES;

(M) A PROJECT DESCRIPTION INCLUDING LOCATION, PROPERTY AND/OR BUILDING SIZE AND PROPOSED START AND COMPLETION DATES; AND

(N) A NARRATIVE DESCRIPTION BY THE APPLICANT REGARDING THE NEED FOR THE IDA ASSISTANCE REQUESTED.

2. (A) THE PROJECT APPLICANT SHALL SUBMIT A COMMUNITY IMPACT REPORT TO THE AGENCY THAT SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) A DESCRIPTION OF THE PROPOSED PROJECT AND THE ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONDITIONS EXISTING IN THE COMMUNITY WHERE THE PROJECT IS TO BE LOCATED;

(II) AN ANALYSIS OF THE ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACT OF THE PROJECT ON THE COMMUNITY, INCLUDING ITS EMPLOYMENT, INFRASTRUCTURE AND HOUSING;

(III) A STATEMENT OF ANY POTENTIAL ADVERSE ECONOMIC, SOCIAL OR ENVIRONMENTAL EFFECTS TO THE COMMUNITY AND OTHER AREAS OF THE STATE;

(IV) AN ANALYSIS OF THE IMPACT ON TRANSPORTATION AND THE PUBLIC TRANSPORTATION ALTERNATIVES FOR THE PROJECT;

(V) AN ANALYSIS OF THE EXISTING ON-SITE INFRASTRUCTURE AND ANY PROPOSED NEW INFRASTRUCTURE;

(VI) AN ANALYSIS OF ALTERNATIVES, INCLUDING A NO-PROJECT ALTERNATIVE, OR MITIGATION MEASURES THAT WILL AVOID OR MINIMIZE ANY NEGATIVE EFFECTS FROM THE PROJECT;

(VII) AN ANALYSIS OF THE COSTS AND BENEFITS, INCLUDING ANY SHORT AND LONG TERM PUBLIC COSTS AND OBLIGATIONS;

(VIII) THE AMOUNT AND TYPE OF PRIVATE AND PUBLIC FINANCING REQUIRED;

(IX) THE NUMBER AND TYPE OF FULL-TIME AND PART-TIME JOBS TO BE CREATED OR RETAINED, AND THE WAGES AND BENEFITS TO BE PAID;

(X) THE EFFORTS THAT WILL BE USED TO HIRE LOCAL RESIDENTS; AND

(XI) ANY AFFORDABLE HOUSING TO BE PROVIDED.

(B) THE ENVIRONMENTAL INFORMATION REQUIRED UNDER PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE BASED ON THE STANDARDS ESTABLISHED UNDER THE PROVISIONS AND REGULATIONS OF ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW.

3. THE PROJECT APPLICANT SHALL SUBMIT THE COMMUNITY IMPACT REPORT WITH THE APPLICATION TO THE AGENCY. A COPY OF BOTH DOCUMENTS SHALL BE PROVIDED TO THE GOVERNING BODY OF EACH AFFECTED TAX JURISDICTION WITHIN FIFTEEN DAYS OF THEIR RECEIPT BY THE AGENCY. THE APPLICATION AND COMMUNITY IMPACT REPORT SHALL BE SUBMITTED TO THE AGENCY IN PAPER AND ELECTRONIC FORM, AND SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION; PROVIDED, THAT IF ANY MATERIALS SUBMITTED WITH THE APPLICATION CANNOT BE TRANSMITTED IN ELECTRONIC FORM, THEY MAY BE SUBMITTED IN PAPER FORM.

S 8. The general municipal law is amended by adding a new section 859-d to read as follows:

S 859-D. FINANCIAL ASSISTANCE AGREEMENT. 1. THE AGENCY SHALL ENTER INTO AN AGREEMENT WITH THE RECIPIENT PRIOR TO PROVIDING FINANCIAL ASSISTANCE. THE FORM OF THE AGREEMENT SHALL BE PREPARED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(A) A DESCRIPTION OF THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE TO BE PROVIDED BY THE AGENCY, INCLUDING THE FAIR MARKET VALUE OF SUCH ASSISTANCE AND THE VALUE OF ANY PROPERTY CONVEYED AT LESS THAN FAIR MARKET VALUE;

(B) A DESCRIPTION OF THE AMOUNT OF FINANCING TO BE PROVIDED BY THE PROJECT OWNER;

(C) THE PUBLIC PURPOSE OF THE PROJECT, PROVIDED THAT SUCH PURPOSE MAY NOT BE LIMITED TO INCREASING THE LOCAL TAX BASE, AND MAY NOT INCLUDE JOB RETENTION UNLESS A SIGNIFICANT JOB LOSS IS IMMINENT AND DEMONSTRABLE;

(D) THE SPECIFIC AND MEASURABLE GOALS OF THE PROJECT;

(E) THE AMOUNT, TYPE, SOURCES AND COMMITMENTS OF ANY PRIVATE FINANCING;

(F) THE INFRASTRUCTURE WORK REQUIRED, AND THE AMOUNT AND SOURCE OF FINANCING FOR SUCH WORK;

(G) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS TO BE CREATED, THE PROJECTED DATES OF HIRE, AND THE HOURLY WAGES AND BENEFITS TO BE PAID;

(H) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS TO BE RETAINED, AND THE NUMBER OF JOBS EXISTING AT THE PROJECT ON THE DATE THE AGREEMENT IS EXECUTED;

(I) THE AMOUNT AND TYPE OF AFFORDABLE HOUSING TO BE BUILT, IF ANY;

(J) THE AMOUNT, TYPE AND DATE OF CAPITAL INVESTMENT TO BE PROVIDED BY THE RECIPIENT;

(K) A COMMITMENT TO CONTINUE OPERATIONS AT THE PROJECT SITE FOR AT LEAST FIVE YEARS AFTER THE TERMS OF THE FINANCIAL ASSISTANCE HAVE EXPIRED;

(L) A COMMITMENT TO MAKE TIMELY PAYMENTS IN LIEU OF TAXES; AND

(M) THE PENALTIES IF THE TERMS OF THE AGREEMENT ARE NOT MET.

2. THE AGENCY AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT, SHALL HAVE THE RIGHT OF ACCESS TO THE PROJECT AND TO EXAMINE ALL DOCUMENTS, PAYROLL RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE AGENCY OR DEPARTMENT TO DETERMINE THE RECIPIENT IS IN COMPLIANCE WITH PROVISIONS OF THE FINANCIAL ASSISTANCE AGREEMENT AND THIS ARTICLE. THE AGENCY SHALL COOPERATE FULLY WITH THE DEPARTMENT IN CARRYING OUT ITS DUTIES.

3. THE AGENCY SHALL FILE A COPY OF THE FINANCIAL ASSISTANCE AGREEMENT, THE APPLICATION AND THE COMMUNITY IMPACT REPORT WITH THE GOVERNING BODY OF THE MUNICIPALITY WITHIN FIVE DAYS OF THE EXECUTION OF THE AGREEMENT. THE AGREEMENT SHALL BE EFFECTIVE WITHIN SIXTY DAYS OF THE DATE OF ITS EXECUTION UNLESS A MEMBER OF THE GOVERNING BODY FILES A NOTICE OF INTENT TO REVIEW THE AGREEMENT WITH THE GOVERNING BODY. UPON THE FILING OF SUCH NOTICE, THE FINANCIAL ASSISTANCE AGREEMENT SHALL NOT TAKE EFFECT UNTIL THE AGREEMENT IS APPROVED BY THE GOVERNING BODY.

4. (A) IF THE RECIPIENT FAILS TO FULFILL ANY OBLIGATION UNDER THE FINANCIAL ASSISTANCE AGREEMENT, OR IS FOUND TO HAVE COMMITTED A SUBSTANTIAL VIOLATION OF ANY STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR MINORITY OR WOMEN-OWNED BUSINESSES BY FINAL JUDGMENT OF A COURT OR ADMINISTRATIVE TRIBUNAL, THE AGENCY SHALL IMMEDIATELY SUSPEND ALL FINANCIAL ASSISTANCE TO THE RECIPIENT. THE RECIPIENT SHALL NOTIFY THE AGENCY WITHIN FOURTEEN DAYS OF SUCH JUDGMENT. THE AGENCY SHALL PROMPTLY ISSUE A NOTICE OF DEFAULT TO THE RECIPIENT WHO SHALL REMIT REPAYMENT WITHIN SIXTY DAYS OF THE DATE OF SUCH NOTICE. ALL FINANCIAL ASSISTANCE PREVIOUSLY PROVIDED TO THE RECIPIENT SHALL BE REVOKED AND THE RECIPIENT SHALL REPAY SUCH ASSISTANCE TO THE AGENCY AT A RATE OF INTEREST EQUAL TO THE PRIME RATE, PLUS ONE PERCENT AS OF THE DATE OF THE NOTICE. THE AMOUNT OF REPAYMENT MAY BE PRORATED ACCORDING TO ANY PARTIAL FULFILLMENT OF THE RECIPIENT'S OBLIGATIONS UNDER THE AGREEMENT.

(B) IF A RECIPIENT IS REQUIRED TO REPAY FINANCIAL ASSISTANCE UNDER THIS SUBDIVISION, THE RECIPIENT AND ANY SUBSIDIARY, PARENT OR SUCCESSOR OF THE RECIPIENT SHALL BE PROHIBITED FROM ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH ANY OTHER STATE OR LOCAL AGENCY OR INSTRUMENTALITY OF THIS STATE UNTIL THE AGENCY HAS RECEIVED FULL REPAYMENT OF THE AMOUNT DUE.

(C) WHENEVER THE ATTORNEY GENERAL HAS GOOD REASON TO BELIEVE THAT THE RECIPIENT'S FAILURE TO FULFILL THE FINANCIAL ASSISTANCE AGREEMENT INVOLVES THE STATE'S INTEREST, OR THAT THE RECIPIENT HAS COMMITTED A

SUBSTANTIAL VIOLATION OF THE LAWS OF THIS STATE, HE OR SHE MAY COMMENCE AN ACTION TO RECOVER THE FINANCIAL ASSISTANCE AND FOR SUCH OTHER RELIEF AS PROVIDED BY LAW.

(D) WHERE AN INDUSTRIAL DEVELOPMENT AGENCY FUNDED BUILDING IS FOUND TO HAVE TENANTS WHICH ARE IN VIOLATION OF SUCH INDUSTRIAL DEVELOPMENT AGENCY'S REQUIREMENTS FOR FUNDING, THE DEVELOPER MUST REIMBURSE ALL FINANCIAL ASSISTANCE GIVEN IN THE FORM OF TAX EXEMPTIONS. THIS SPECIFICALLY APPLIES TO PROJECTS FOR SPECULATION BUILDINGS WHICH HAVE RECEIVED A TAX BREAK FOR CONSTRUCTION MATERIALS WITHOUT REVEALING THE IDENTITIES OF ALL FUTURE QUALIFIED COMMERCIAL TENANTS. WHERE A BUILDING PROJECT RECEIVES TAX EXEMPTIONS THROUGH SUCH INDUSTRIAL DEVELOPMENT AGENCY AND LATER HOUSES UNQUALIFIED COMMERCIAL TENANTS, SUCH DEVELOPER WILL BE REQUIRED TO REPAY ALL TAXES WHICH WERE AVOIDED DUE TO RECEIVING INDUSTRIAL DEVELOPMENT AGENCY ASSISTANCE.

S 9. The general municipal law is amended by adding a new section 859-e to read as follows:

S 859-E. WAGES AND STANDARDS. 1. WHENEVER A RECIPIENT OF FINANCIAL ASSISTANCE FROM AN AGENCY ENTERS INTO ANY CONTRACT, SUBCONTRACT, LEASE, GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR OR IN CONNECTION WITH ANY CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION, OR IMPROVEMENT WORK ON A PROJECT, SUCH PROJECT SHALL BE DEEMED TO BE A PUBLIC WORK FOR THE PURPOSES OF ARTICLE EIGHT OF THE LABOR LAW AND ALL THE PROVISIONS OF SUCH ARTICLE SHALL APPLY. AN EMPLOYER SHALL PAY EMPLOYEES NO LESS THAN THE PREVAILING RATE OF WAGE AND SUPPLEMENTS UNDER ARTICLE EIGHT OF THE LABOR LAW.

2. THE AGENCY SHALL REQUIRE THAT WHENEVER WORK IS PERFORMED UNDER SUBDIVISION ONE OF THIS SECTION, THE RECIPIENT SHALL USE CONTRACTORS AND SUBCONTRACTORS THAT HAVE APPRENTICESHIP AGREEMENTS APPROPRIATE FOR THE TYPE AND SCOPE OF WORK TO BE PERFORMED, THAT HAVE BEEN REGISTERED WITH AND APPROVED BY THE COMMISSIONER OF LABOR PURSUANT TO ARTICLE TWENTY-THREE OF THE LABOR LAW.

3. WHENEVER FINANCIAL ASSISTANCE IS PROVIDED TO A RECIPIENT BY AN AGENCY FOR A PROJECT, ALL WORK PERFORMED IN CONNECTION WITH THE CARE, MAINTENANCE OR PROTECTION OF THE PROPERTY AT THE PROJECT SHALL BE DEEMED TO BE BUILDING SERVICE WORK FOR THE PURPOSES OF ARTICLE NINE OF THE LABOR LAW AND ALL THE PROVISIONS OF SUCH ARTICLE SHALL APPLY. EMPLOYERS SHALL BE SUBJECT TO THE REQUIREMENTS OF CONTRACTORS UNDER ARTICLE NINE OF THE LABOR LAW. AN EMPLOYER SHALL PAY BUILDING SERVICE EMPLOYEES PAID NO LESS THAN THE HIGHER OF THE PREVAILING WAGE INCLUDING SUPPLEMENTS PURSUANT TO SECTION TWO HUNDRED THIRTY OF THE LABOR LAW FOR THE RELEVANT BUILDING SERVICE JOB CLASSIFICATION, OR THE MEDIAN HOURLY WAGE FOR "ALL OCCUPATIONS" IN THE METROPOLITAN STATISTICAL AREA CLOSEST TO THE PROJECT LOCATION, PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, FOR THE DURATION OF ANY FINANCIAL ASSISTANCE AND FOR FIVE YEARS AFTER THE TERMS OF THE FINANCIAL ASSISTANCE HAVE EXPIRED.

4. WHENEVER FINANCIAL ASSISTANCE IS PROVIDED TO A RECIPIENT BY AN AGENCY FOR A PROJECT, EMPLOYEES WHO PERFORM WORK OTHER THAN WORK PERFORMED UNDER SUBDIVISIONS ONE AND THREE OF THIS SECTION SHALL BE PAID BY THEIR EMPLOYER NO LESS THAN THE MEDIAN HOURLY WAGE FOR "ALL OCCUPATIONS" IN THE METROPOLITAN STATISTICAL AREA CLOSEST TO THE PROJECT LOCATION, PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, FOR THE DURATION OF ANY FINANCIAL ASSISTANCE AND FOR FIVE YEARS AFTER THE TERMS OF THE FINANCIAL ASSISTANCE HAVE EXPIRED. ALL OF THE PROVISIONS OF ARTICLE NINE OF THE LABOR LAW SHALL APPLY. EMPLOYERS SHALL BE SUBJECT TO THE REQUIREMENTS OF CONTRACTORS UNDER ARTICLE NINE OF THE LABOR LAW.

FOR THE PURPOSES OF THIS SECTION:

(A) "BUILDING SERVICE EMPLOYEE" SHALL MEAN AN EMPLOYEE AS DEFINED UNDER SECTION TWO HUNDRED THIRTY OF THE LABOR LAW, WHETHER OR NOT EMPLOYED BY AN EMPLOYER UNDER A CONTRACT OR AGREEMENT WITH A PUBLIC AGENCY;

(B) "EMPLOYER" SHALL MEAN AN EMPLOYER AS DEFINED UNDER SECTION SIX HUNDRED FIFTY-ONE OF THE LABOR LAW THAT IS OPERATING ON THE PREMISES OF A PROJECT, WHICH IS RECEIVING FINANCIAL ASSISTANCE FROM THE AGENCY; AND

(C) "EMPLOYEE" SHALL MEAN AN EMPLOYEE AS DEFINED UNDER SECTION SIX HUNDRED FIFTY-ONE OF THE LABOR LAW WHO WORKS FIVE OR MORE HOURS A WEEK FOR AN EMPLOYER, WHETHER OR NOT EMPLOYED BY AN EMPLOYER UNDER A CONTRACT OR AGREEMENT WITH A PUBLIC AGENCY.

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR CONFLICTING WITH ANY LAW, OBLIGATION, OR COLLECTIVE BARGAINING AGREEMENT THAT REQUIRES HIGHER WAGES OR BENEFITS, OR INCREASED PROTECTIONS FOR EMPLOYEES.

6. THE REQUIREMENTS OF THIS SECTION, EXCEPT THOSE PERTAINING TO BUILDING SERVICE WORK, MAY BE WAIVED BY THE WRITTEN TERMS OF A BONA FIDE COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT THIS SECTION IS REFERENCED IN SUCH AGREEMENT, AND THAT THE AGREEMENT SETS FORTH IN CLEAR AND UNAMBIGUOUS TERMS THE DESIRE OF ALL PARTIES TO WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS SECTION. UNILATERAL IMPLEMENTATION OF TERMS AND CONDITIONS OF EMPLOYMENT BY EITHER PARTY TO A COLLECTIVE BARGAINING RELATIONSHIP SHALL NOT CONSTITUTE A WAIVER OF ANY OF THE REQUIREMENTS OF THIS SECTION.

7. NO EMPLOYER MAY REDUCE THE WAGES OF EMPLOYEES IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

8. EACH RECIPIENT SHALL ENSURE THAT ALL TENANTS, SUBTENANTS, CONTRACTORS AND SUBCONTRACTORS COMPLY WITH THE REQUIREMENTS UNDER THIS SECTION AND THAT ANY LEASE, SUBLEASE, CONTRACT OR SUBCONTRACT FOR THE PROJECT INCLUDES THESE REQUIREMENTS.

9. A COMPLAINT FOR A VIOLATION OF THIS SECTION MAY BE FILED BY AN AFFECTED EMPLOYEE, OR BY AN ORGANIZATION REPRESENTING SUCH EMPLOYEE, PURSUANT TO THE PROCEDURES UNDER ARTICLES EIGHT AND NINE OF THE LABOR LAW.

10. THE COMMISSIONER OF LABOR SHALL HAVE THE AUTHORITY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

11. THE COMMISSIONER OF LABOR SHALL PROMPTLY NOTIFY THE AGENCY AFTER A FINAL JUDGMENT DETERMINING THAT THE EMPLOYER HAS VIOLATED THIS SECTION. UPON RECEIPT OF SUCH NOTICE, THE AGENCY SHALL IMMEDIATELY SUSPEND FINANCIAL ASSISTANCE TO THE RECIPIENT AND SHALL REVOKE THE FINANCIAL ASSISTANCE PREVIOUSLY PROVIDED. THE RECIPIENT SHALL REPAY SUCH ASSISTANCE TO THE AGENCY PURSUANT TO SUBDIVISION FOUR OF SECTION EIGHT HUNDRED FIFTY-NINE-D OF THIS TITLE.

12. THE COMMISSIONER OF LABOR, ON BEHALF OF ANY EMPLOYEE PAID LESS THAN THE WAGE TO WHICH HE OR SHE IS ENTITLED UNDER THE PROVISIONS OF THIS ARTICLE, MAY BRING ANY LEGAL ACTION NECESSARY TO COLLECT SUCH CLAIM. THE EMPLOYER SHALL BE REQUIRED TO PAY THE COSTS AND IF SUCH UNDERPAYMENT WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH UNDERPAYMENTS FOUND TO BE DUE HIM OR HER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ACTION TO RECOVER UPON A LIABILITY IMPOSED BY THIS TITLE MUST BE COMMENCED WITHIN SIX YEARS.

S 10. The general municipal law is amended by adding a new section 859-f to read as follows:

S 859-F. DISPLACED WORKER PROTECTION. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "COVERED ENTITY" SHALL MEAN ANY PERSON THAT OWNS, LEASES, SUBLEASES OR MANAGES PROPERTY WHERE SERVICE WORK IS PERFORMED.

(B) "PERSON" SHALL MEAN ANY INDIVIDUAL, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, OR OTHER ENTITY THAT MAY EMPLOY INDIVIDUALS OR ENTER INTO SERVICE CONTRACTS.

(C) "PROPERTY" SHALL MEAN THE REAL PROPERTY AT THE PROJECT WHERE SERVICE EMPLOYEES WORK.

(D) "SERVICE CONTRACT" SHALL MEAN AN AGREEMENT WITH A SERVICE CONTRACTOR TO FURNISH SERVICES, INCLUDING ANY SUBCONTRACTS FOR THOSE SERVICES.

(E) "SERVICE CONTRACTOR" SHALL MEAN ANY CONTRACTOR THAT ENTERS INTO A SERVICE CONTRACT WITH A COVERED ENTITY.

(F) "SERVICE EMPLOYEE" SHALL MEAN ANY PERSON EMPLOYED BY A SERVICE CONTRACTOR WHO HAS BEEN REGULARLY ASSIGNED TO WORK AT THE PROPERTY ON A FULL OR PART-TIME BASIS FOR AT LEAST NINETY DAYS, BUT SHALL NOT INCLUDE A MANAGERIAL, SUPERVISORY, OR CONFIDENTIAL EMPLOYEE.

(G) "SERVICE WORK" SHALL MEAN ANY TYPE OF SERVICES PERFORMED AT THE PROPERTY, EXCEPT SERVICES IN CONNECTION WITH ANY CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION, OR IMPROVEMENT WORK.

(H) "SUCCESSOR CONTRACTOR" SHALL MEAN A CONTRACTOR THAT: (I) HAS BEEN AWARDED A SERVICE CONTRACT FOR SERVICES THAT ARE SUBSTANTIALLY SIMILAR TO THOSE PROVIDED UNDER A TERMINATED SERVICE CONTRACT, OR (II) HAS PURCHASED OR ACQUIRED CONTROL OF ANY PART OF THE PROPERTY WHERE SERVICE EMPLOYEES WORK.

2. (A) NO LATER THAN FIFTEEN DAYS PRIOR TO TERMINATING A SERVICE CONTRACT, A COVERED ENTITY SHALL PROVIDE A NOTICE OF TERMINATION TO THE SERVICE CONTRACTOR AND REQUEST A LIST CONTAINING THE NAME, ADDRESS, DATE OF HIRE AND JOB CLASSIFICATION OF EACH SERVICE EMPLOYEE EMPLOYED AT THE PROPERTY.

(B) NO LATER THAN FIFTEEN DAYS PRIOR TO TRANSFERRING A CONTROLLING INTEREST IN ANY PART OF THE PROPERTY, A COVERED ENTITY SHALL PROVIDE THE SUCCESSOR CONTRACTOR WITH A LIST CONTAINING THE NAME, ADDRESS, DATE OF HIRE AND JOB CLASSIFICATION OF EACH SERVICE EMPLOYEE EMPLOYED AT THE PROPERTY.

(C) A COVERED ENTITY SHALL ENSURE THAT A COPY OF THE NOTICE, THE LIST AND THE RIGHTS OF SERVICE EMPLOYEES UNDER THIS SECTION IS CONSPICUOUSLY POSTED AT THE PROPERTY.

(D) A SUCCESSOR CONTRACTOR SHALL RETAIN ALL SERVICE EMPLOYEES UNDER THE TERMINATED SERVICE CONTRACT FOR A PERIOD OF NINETY DAYS AFTER THE DATE OF CONTRACT TERMINATION.

(E) IF A SUCCESSOR CONTRACTOR DETERMINES THAT FEWER SERVICE EMPLOYEES ARE NEEDED TO PERFORM SERVICE WORK THAN UNDER THE FORMER SERVICE CONTRACT, THE SUCCESSOR CONTRACTOR SHALL RETAIN SUCH EMPLOYEES BY SENIORITY WITHIN EACH JOB CLASSIFICATION; PROVIDED, THAT THE SUCCESSOR CONTRACTOR SHALL MAINTAIN A PREFERENTIAL HIRING LIST OF SERVICE EMPLOYEES NOT RETAINED WHO SHALL HAVE A RIGHT OF FIRST REFUSAL TO ANY JOBS WITHIN THEIR CLASSIFICATION THAT BECOME AVAILABLE DURING THIS PERIOD.

(F) NO SUCCESSOR CONTRACTOR MAY DISCHARGE A SERVICE EMPLOYEE RETAINED UNDER THIS SECTION WITHOUT CAUSE.

(G) AT THE END OF THE NINETY-DAY TRANSITION PERIOD, THE SUCCESSOR CONTRACTOR SHALL PERFORM A WRITTEN EVALUATION OF EACH RETAINED SERVICE EMPLOYEE. IF THE EMPLOYEE'S PERFORMANCE DURING THIS PERIOD IS SATISFACTORY, THE EMPLOYEE SHALL BE OFFERED CONTINUED EMPLOYMENT BY THE SUCCESSOR CONTRACTOR.

(H) ANY SERVICE EMPLOYEE WHO HAS NOT BEEN RETAINED OR HAS BEEN DISCHARGED IN VIOLATION OF THIS SECTION, OR AN ORGANIZATION REPRESENTING SUCH EMPLOYEE, MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR INJUNCTIVE RELIEF AND DAMAGES. THE COURT MAY ORDER REINSTATEMENT, BACK PAY WITH WAGES AND BENEFITS, COSTS AND REASONABLE ATTORNEY'S FEES UPON DETERMINING THAT A VIOLATION HAS OCCURRED.

3. THIS SECTION SHALL BE SUBJECT TO THE TERMS OF ANY COLLECTIVE BARGAINING AGREEMENT BETWEEN ANY LABOR ORGANIZATION REPRESENTING SERVICE EMPLOYEES AND ANY SERVICE CONTRACTOR, SUCCESSOR CONTRACTOR OR COVERED ENTITY.

S 11. The general municipal law is amended by adding a new section 859-g to read as follows:

S 859-G. COMPLAINT AND APPEALS. 1. (A) ANY PERSON RESIDING WITHIN THE GEOGRAPHIC BOUNDARIES OF THE AGENCY MAY FILE A COMPLAINT WITH THE AGENCY ALLEGING A VIOLATION OF THIS ARTICLE, EXCEPT AS OTHERWISE PROVIDED UNDER SECTIONS EIGHT HUNDRED FIFTY-NINE-E AND EIGHT HUNDRED FIFTY-NINE-F OF THIS TITLE. THE AGENCY SHALL PREPARE A COMPLAINT FORM THAT SHALL BE POSTED ON ITS WEBSITE AND MADE AVAILABLE AT THE AGENCY'S OFFICE.

(B) THE AGENCY SHALL HOLD A HEARING WITHIN FORTY-FIVE DAYS AFTER THE FILING OF A COMPLAINT, AND SHALL SERVE NOTICE OF THE TIME AND PLACE OF THE HEARING UPON THE PARTIES WITHIN FIVE DAYS OF SUCH FILING. THE AGENCY SHALL RENDER ITS DECISION WITH WRITTEN FINDINGS WITHIN TEN DAYS FOLLOWING THE HEARING AND SHALL PROMPTLY MAIL A COPY OF THE DECISION TO THE PARTIES. THE AGENCY MAY ORDER ANY RELIEF AUTHORIZED UNDER THIS TITLE UPON DETERMINING A VIOLATION HAS OCCURRED.

(C) WITHIN THIRTY DAYS AFTER THE MAILING OF THE AGENCY'S DECISION, AN AGGRIEVED PARTY MAY APPEAL THE DECISION BY FILING A NOTICE OF APPEAL WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DEPARTMENT MAY DECIDE ANY APPEAL BASED ON THE RECORD AT THE HEARING, OR MAY HOLD A NEW HEARING. THE HEARING SHALL BE HELD AT THE DEPARTMENT'S REGIONAL OFFICE LOCATED CLOSEST TO THE AGENCY WITHIN THIRTY DAYS OF THE FILING OF THE NOTICE OF APPEAL. THE DEPARTMENT SHALL PROMPTLY SERVE NOTICE OF THE TIME AND PLACE OF THE HEARING ON THE PARTIES.

(D) THE DEPARTMENT SHALL RENDER ITS DECISION IN WRITING WITHIN THIRTY DAYS AFTER THE FILING OF THE NOTICE OF APPEAL OR AFTER ITS HEARING, WHICHEVER OCCURS LATER. THE DEPARTMENT MAY AFFIRM, REVERSE OR MODIFY THE DECISION APPEALED FROM AND MAY ORDER ANY RELIEF AUTHORIZED UNDER THIS TITLE. THE DECISION OF THE DEPARTMENT SHALL BE FINAL ON ALL QUESTIONS OF FACT, AND UNLESS APPEALED FROM, SHALL BE FINAL ON ALL QUESTIONS OF LAW. AN APPEAL FROM A QUESTION OF LAW MAY BE TAKEN TO THE APPELLATE DIVISION OF THE SUPREME COURT, THIRD DEPARTMENT.

(E) THE DEPARTMENT SHALL ESTABLISH RULES FOR THE CONDUCT OF ANY HEARING OR APPEAL UNDER THIS SECTION, WHICH SHALL NOT BE LIMITED BY COMMON LAW, OR STATUTORY RULES OF EVIDENCE.

2. A PERSON UNDER SUBDIVISION ONE OF THIS SECTION MAY FILE A COMPLAINT IN A COURT OF COMPETENT JURISDICTION, UNLESS HE OR SHE HAS FILED THE SAME COMPLAINT WITH THE AGENCY. THE COURT MAY ORDER INJUNCTIVE RELIEF, DAMAGES AND ANY OTHER RELIEF AUTHORIZED UNDER THIS TITLE FOR A VIOLATION, ALONG WITH COSTS AND ATTORNEY'S FEES.

S 12. The general municipal law is amended by adding a new section 859-h to read as follows:

S 859-H. REPORTS BY RECIPIENTS. 1. A RECIPIENT OF FINANCIAL ASSISTANCE SHALL SUBMIT AN ANNUAL REPORT TO THE AGENCY NO LATER THAN THE ANNIVERSARY DATE OF THE FINANCIAL ASSISTANCE AGREEMENT. THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL PREPARE A FORM FOR THE REPORT THAT SHALL BE

POSTED ON THE AGENCY'S WEBSITE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(A) THE TYPE, PURPOSE AND AMOUNT OF FINANCIAL ASSISTANCE PROVIDED BY THE AGENCY;

(B) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS, DATES OF HIRE, AND WAGES AND BENEFITS REQUIRED UNDER THE AGREEMENT;

(C) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS THAT HAVE BEEN CREATED, THE DATES OF HIRE, AND THE WAGES AND BENEFITS PAID;

(D) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS REQUIRED TO BE RETAINED, THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS THAT HAVE BEEN RETAINED;

(E) THE AMOUNT, TYPE AND DATES OF CAPITAL INVESTMENT AND OTHER EXPENDITURES BY THE RECIPIENT REQUIRED UNDER THE AGREEMENT;

(F) THE AMOUNT, TYPE AND DATES OF CAPITAL INVESTMENT AND OTHER EXPENDITURES MADE BY THE RECIPIENT;

(G) THE AMOUNT AND TYPE OF INFRASTRUCTURE AND TRANSPORTATION INVESTMENT BY THE RECIPIENT REQUIRED UNDER THE AGREEMENT;

(H) THE AMOUNT AND TYPE OF INFRASTRUCTURE AND TRANSPORTATION EXPENDITURES MADE BY THE RECIPIENT;

(I) THE AMOUNT AND DATE OF ANY PRIVATE FINANCING REQUIRED, AND THE AMOUNT AND DATE OF ANY PRIVATE FINANCING RECEIVED BY THE RECIPIENT;

(J) THE AMOUNT, TYPE AND DATE OF ANY OTHER OBLIGATIONS OF THE RECIPIENT AND THE RECIPIENT'S COMPLIANCE; AND

(K) A CERTIFICATION BY THE RECIPIENT'S CHIEF EXECUTIVE OFFICER THAT THE REPORT IS ACCURATE AND COMPLETE.

2. IF A RECIPIENT FAILS TO FILE THE REPORT REQUIRED BY THIS SECTION WITHIN THIRTY DAYS OF THE DUE DATE, THE AGENCY SHALL SUSPEND ALL FURTHER FINANCIAL ASSISTANCE UNTIL THE REPORT IS FILED.

3. THE REPORT SHALL BE SUBMITTED IN ELECTRONIC AND PAPER FORM, AND SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

S 13. The general municipal law is amended by adding a new section 859-i to read as follows:

S 859-I. GREEN BUILDING STANDARDS. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CONSTRUCTION" SHALL MEAN ANY WORK NECESSARY OR INCIDENTAL TO THE ERECTION, DEMOLITION, ASSEMBLING, ALTERATION, INSTALLING, OR EQUIPPING OF ANY BUILDING.

(B) "GREEN BUILDING STANDARDS" SHALL MEAN DESIGN GUIDELINES, A RATING SYSTEM OR RULES FOR CONSTRUCTING BUILDINGS THAT ENSURE SITE PLANNING, WATER EFFICIENCY, ENERGY EFFICIENCY AND RENEWABLE ENERGY, CONSERVATION OF MATERIALS AND RESOURCES, AND INDOOR ENVIRONMENTAL QUALITY.

(C) "INFLATION" SHALL MEAN THE ANNUAL TWELVE-MONTH AVERAGE OF THE CONSUMER PRICE INDEX PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR.

(D) "LEED ENERGY AND ATMOSPHERE CREDIT 1" SHALL MEAN THE CREDIT POINT UNDER LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) FOR NEW CONSTRUCTION VERSION 2.1 INTENDED TO ACHIEVE INCREASED ENERGY PERFORMANCE.

(E) "LEED GREEN BUILDING RATING SYSTEM" SHALL MEAN A VERSION OF THE LEED BUILDING RATING SYSTEM PUBLISHED BY THE UNITED STATES GREEN BUILDING COUNCIL, NOT LESS STRINGENT THAN THE SELECTED GREEN BUILDING RATING SYSTEM.

(F) "LEED WATER EFFICIENCY CREDIT 3.2" SHALL MEAN THE CREDIT POINT UNDER THE LEED FOR NEW CONSTRUCTION VERSION 2.1 INTENDED TO ACHIEVE WATER USE REDUCTION.

(G) "NOT LESS STRINGENT" SHALL MEAN PROVIDING NO LESS NET ENVIRONMENTAL AND HEALTH BENEFITS.

(H) "REHABILITATION" SHALL MEAN ANY RESTORATION, REPLACEMENT OR REPAIR OF ANY MATERIALS, SYSTEMS OR COMPONENTS.

(I) "SELECTED GREEN BUILDING RATING SYSTEM" SHALL MEAN THE CURRENT AND MOST APPROPRIATE BUILDING RATING SYSTEM PUBLISHED BY THE UNITED STATES GREEN BUILDING COUNCIL.

(J) "SUBSTANTIAL RECONSTRUCTION" SHALL MEAN A PROJECT IN WHICH THE SCOPE OF WORK INCLUDES REHABILITATION OF AT LEAST TWO OF THE THREE MAJOR SYSTEMS FOR (I) ELECTRICAL, (II) HEATING, VENTILATING AND AIR CONDITIONING (HVAC) AND (III) PLUMBING OF A BUILDING, WHERE CONSTRUCTION AFFECTS AT LEAST FIFTY PERCENT OF THE BUILDING'S FLOOR AREA.

2. (A) EACH PROJECT WITH AN ESTIMATED CONSTRUCTION COST OF TWO MILLION DOLLARS OR MORE INVOLVING (I) THE CONSTRUCTION OF A NEW BUILDING, (II) AN ADDITION TO AN EXISTING BUILDING, OR (III) THE SUBSTANTIAL RECONSTRUCTION OF AN EXISTING BUILDING SHALL BE DESIGNED AND CONSTRUCTED TO COMPLY WITH GREEN BUILDING STANDARDS NOT LESS STRINGENT THAN THE STANDARDS FOR BUILDINGS DESIGNED IN ACCORDANCE WITH THE LEED GREEN BUILDING RATING SYSTEM TO ACHIEVE A LEED SILVER OR HIGHER RATING, OR, WITH RESPECT TO BUILDINGS CLASSIFIED IN OCCUPANCY GROUPS G OR H-2, TO ACHIEVE A LEED CERTIFIED OR HIGHER RATING.

(B) IF THE ESTIMATED CONSTRUCTION COST OF A PROJECT REQUIRED TO COMPLY WITH GREEN BUILDING STANDARDS IS TWELVE MILLION DOLLARS OR MORE, THE PROJECT SHALL BE DESIGNED AND CONSTRUCTED AS FOLLOWS:

(I) PROJECTS INVOLVING BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY A MINIMUM OF TWENTY PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

(II) PROJECTS, OTHER THAN BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G WITH AN ESTIMATED CONSTRUCTION COST OF TWELVE MILLION DOLLARS OR MORE BUT LESS THAN THIRTY MILLION DOLLARS SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY AT LEAST TWENTY PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

(III) PROJECTS, OTHER THAN BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G, WITH AN ESTIMATED CONSTRUCTION COST OF THIRTY MILLION DOLLARS OR MORE SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY AT LEAST TWENTY-FIVE PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

3. PROJECTS, OTHER THAN PROJECTS UNDER SUBDIVISION TWO OF THIS SECTION, SHALL BE SUBJECT TO THE FOLLOWING:

(A) EACH PROJECT THAT INCLUDES THE INSTALLATION OR REPLACEMENT OF A BOILER WHERE THE ESTIMATED COST FOR SUCH WORK IS TWO MILLION DOLLARS OR MORE, OR THAT INVOLVES THE INSTALLATION OR REPLACEMENT OF LIGHTING SYSTEMS IN A BUILDING AT AN ESTIMATED COST FOR SUCH WORK OF ONE MILLION DOLLARS OR MORE, SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY AT LEAST TEN PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

(B) EACH PROJECT, OTHER THAN A PROJECT UNDER PARAGRAPH (A) OF THIS SUBDIVISION, THAT INVOLVES THE INSTALLATION OR REPLACEMENT OF HVAC COMFORT CONTROLS AT AN ESTIMATED WORK COST OF TWO MILLION DOLLARS OR MORE, SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY A MINIMUM OF FIVE PERCENT AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED

ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

4. ANY PROJECT INVOLVING THE INSTALLATION OR REPLACEMENT OF PLUMBING SYSTEMS THAT INCLUDES PLUMBING FIXTURES WHERE THE ESTIMATED COST FOR SUCH WORK IS FIVE HUNDRED THOUSAND DOLLARS OR MORE SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE POTABLE WATER CONSUMPTION IN THE AGGREGATE BY A MINIMUM OF THIRTY PERCENT, AS DETERMINED BY A METHODOLOGY NOT LESS STRINGENT THAN THAT PRESCRIBED IN LEED WATER EFFICIENCY CREDIT 3.2; PROVIDED, HOWEVER, THAT SUCH PERCENTAGE SHALL BE REDUCED TO A MINIMUM OF TWENTY PERCENT IF THE LOCAL AGENCY WITH JURISDICTION OVER BUILDINGS IN THE MUNICIPALITY REJECTS AN APPLICATION FOR THE USE OF WATERLESS URINALS FOR THE PROJECT.

5. THIS SECTION SHALL APPLY ONLY TO PROJECTS INVOLVING BUILDINGS CLASSIFIED IN OCCUPANCY GROUPS B-1, B-2, C, E, F-1A, F-1B, F-3, F-4, G, H-1 AND H-2. THE COSTS UNDER SUBDIVISIONS TWO, THREE AND FOUR OF THIS SECTION SHALL BE INDEXED TO INFLATION.

6. THIS SECTION SHALL NOT APPLY TO PROJECTS FOR WHICH THE AGENCY ENTERED INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE RECIPIENT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

7. RECIPIENTS OF PROJECTS SUBJECT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION THAT UTILIZE A VERSION OF THE LEED GREEN BUILDING RATING SYSTEM FOR WHICH THE UNITED STATES GREEN BUILDING COUNCIL WILL ACCEPT APPLICATIONS FOR CERTIFICATION, SHALL APPLY TO THE UNITED STATES GREEN BUILDING COUNCIL FOR CERTIFICATION THAT SUCH PROJECTS HAVE ACHIEVED A SILVER OR HIGHER RATING UNDER THE LEED GREEN BUILDING RATING SYSTEM OR, WITH RESPECT TO PROJECTS INVOLVING BUILDINGS CLASSIFIED IN OCCUPANCY GROUPS G OR H-2, A CERTIFIED OR HIGHER RATING UNDER SUCH RATING SYSTEM.

8. (A) RECIPIENTS SUBJECT TO THIS SECTION SHALL SUBMIT AN ANNUAL REPORT TO THE AGENCY NO LATER THAN THE ANNIVERSARY DATE OF THE FINANCIAL ASSISTANCE AGREEMENT. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PREPARE A FORM FOR SUCH REPORT THAT SHALL BE POSTED ON THE AGENCY'S WEBSITE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE NAME, ADDRESS AND DESCRIPTION OF THE PROJECT, INCLUDING ITS SQUARE FOOTAGE AND TOTAL COST;

(II) THE LEVEL OF LEED CERTIFICATION THE PROJECT HAS ACHIEVED BASED ON THE LEED RATING SYSTEM OR, IF APPLICABLE, THE LEVEL ACHIEVED, AS CERTIFIED BY THE UNITED STATES GREEN BUILDING COUNCIL;

(III) AN ASSESSMENT OF THE HEALTH, ENVIRONMENTAL AND ENERGY-RELATED BENEFITS ACHIEVED IN COMPARISON WITH A BASE-CASE CODE COMPLIANT PROJECT, INCLUDING PROJECTED ENERGY SAVINGS AND REDUCTIONS IN PEAK LOAD, REDUCTIONS IN EMISSIONS, REDUCTIONS IN STORM WATER RUNOFF AND POTABLE WATER USE; AND

(IV) FUNDS SPENT TO COMPLY WITH THE LEED GREEN BUILDING RATING SYSTEM OR ANY OTHER GREEN BUILDING STANDARD.

(B) THE REPORT SHALL BE SUBMITTED IN ELECTRONIC AND PAPER FORM, AND SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE BY THE AGENCY FOR PUBLIC INSPECTION.

9. (A) EACH AGENCY SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE GOVERNING BODY WITHIN NINETY DAYS FOLLOWING THE CLOSE OF ITS FISCAL YEAR. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) A LIST AND BRIEF DESCRIPTION, INCLUDING SQUARE FOOTAGE AND TOTAL COST, OF ALL PROJECTS SUBJECT TO THIS SECTION COMPLETED DURING THE PRECEDING FISCAL YEAR;

(II) THE ESTIMATED LEVEL OF LEED CERTIFICATION SUCH PROJECTS HAVE ACHIEVED BASED UPON THE LEED RATING SYSTEM OR, IF APPLICABLE, THE LEVEL ACHIEVED, AS CERTIFIED BY THE UNITED STATES GREEN BUILDING COUNCIL; AND

(III) AN ASSESSMENT OF THE HEALTH, ENVIRONMENTAL AND ENERGY-RELATED BENEFITS ACHIEVED, INCLUDING PROJECTED ENERGY SAVINGS AND REDUCTIONS IN PEAK LOAD, REDUCTIONS IN EMISSIONS, REDUCTIONS IN STORM WATER RUNOFF AND POTABLE WATER USE.

(B) THE AGENCY'S REPORT SHALL BE POSTED ON ITS WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

10. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PROVIDE CONSULTATION AND OTHER ASSISTANCE AS NEEDED BY THE AGENCY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION.

S 14. Section 862 of the general municipal law, as added by chapter 1030 of the laws of 1969, is amended to read as follows:

S 862. Restrictions on funds of the agency. 1. No [funds] FINANCIAL ASSISTANCE of the agency shall be used in respect of any project if the completion thereof would result in the removal of [an industrial or manufacturing] ALL OR ANY PART OF A FACILITY OR plant of the project occupant from one area of the state to another area of the state or in the abandonment of ALL OR ANY PART OF one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry, AND THE PRIOR CONSENT OF THE GOVERNING BODY OR BODIES OF ALL THE MUNICIPALITIES FROM WHICH ALL OR ANY PART OF A FACILITY OR PLANT OF THE PROJECT OCCUPANT WILL BE REMOVED OR ABANDONED IS PROVIDED IN WRITING. UPON A COMPLAINT BY A MUNICIPALITY THAT FINANCIAL ASSISTANCE OF AN AGENCY HAS RESULTED IN THE ABANDONMENT OR REMOVAL BY A PROJECT OCCUPANT OF ALL OR ANY PART OF ONE OR MORE PLANTS OR FACILITIES IN SUCH MUNICIPALITY, THE COMPTROLLER OR HIS OR HER DESIGNEE SHALL INVESTIGATE SUCH ALLEGATION. IF HE OR SHE DETERMINES THAT THE COMPLAINT IS VALID, THE AGENCY THAT PROVIDED THE FINANCIAL ASSISTANCE SHALL PAY TO THE MUNICIPALITY AN AMOUNT EQUAL TO THE PORTION OF TAX OR TAXES THAT THE PROJECT OCCUPANT SAVED OR AVOIDED DUE TO ITS RELOCATION AND THE AGENCY IS SUSPENDED FROM NEGOTIATING ANY DEVELOPMENT ASSISTANCE AGREEMENTS FOR SIX MONTHS.

2. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED TO ASSIST IN THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY OR OPERATION FROM ONE MUNICIPALITY IN THE STATE TO ANOTHER MUNICIPALITY IN THE STATE IF THE RELOCATION IS LIKELY TO RESULT IN A LOSS OF EMPLOYMENT IN THE LABOR MARKET AREA FROM WHICH THE RELOCATION OCCURS.

3. NO FINANCIAL ASSISTANCE SHALL BE PROVIDED TO A PROJECT APPLICANT FOUND TO HAVE COMMITTED A SUBSTANTIAL VIOLATION OF ANY STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR MINORITY OR WOMEN-OWNED BUSINESSES BY FINAL JUDGMENT OF A COURT OR ADMINISTRATIVE TRIBUNAL WITHIN THREE YEARS PRECEDING AN APPLICATION FOR A PROJECT.

4. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED TO ASSIST IN THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY OR OPERATION FROM ONE LOCATION IN THE STATE WITH EXISTING INFRASTRUCTURE TO ANOTHER LOCATION IN THE STATE WITH NO EXISTING INFRASTRUCTURE.

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN AGENCY SHALL NOT UNDERTAKE ANY PROJECT THAT EXCEEDS ONE HUNDRED MILLION

DOLLARS IN VALUE WITHOUT THE APPROVAL OF THE NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD CREATED PURSUANT TO ARTICLE ONE-A OF THE PUBLIC AUTHORITIES LAW. EACH APPLICATION TO THE PUBLIC AUTHORITIES CONTROL BOARD SHALL CONTAIN A PROJECT DESCRIPTION, AN EXPLANATION OF WHY THE PROJECT MEETS THE STANDARDS FOR PROJECT APPROVAL, AND ANY ADDITIONAL INFORMATION THAT THE PUBLIC AUTHORITIES CONTROL BOARD DEEMS NECESSARY.

6. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED IN SUPPORT OF A PROJECT IN AN AREA OR AREAS: NOT SERVED BY PUBLIC SEWER AND WATER INFRASTRUCTURE; OR DESIGNATED AS LANDS SUITABLE FOR CONSERVATION IN A COMPREHENSIVE LAND USE PLAN; OR WHERE THE EXISTING ZONING CLASSIFICATIONS ARE INCONSISTENT WITH THE PROPOSED PROJECT; OR RECEIVING A MINIMUM SCORE, ABOVE THE CUTOFF, IN AN ANALYSIS OF THE NATURAL RESOURCE VALUES OF THE LAND, USING THE APPROPRIATE RATING SYSTEM AS DEFINED IN THE STATE LAND ACQUISITION PLAN, PURSUANT TO SECTION 49-0207 OF THE ENVIRONMENTAL CONSERVATION LAW AND APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. FURTHER, NO FINANCIAL ASSISTANCE SHALL BE USED IN SUPPORT OF A PROJECT UNLESS THE PROJECT IS LOCATED ON A BROWNFIELD SITE AS DEFINED IN SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW; PROVIDED, HOWEVER, THAT IF THE AGENCY DEMONSTRATES THAT THERE IS NO VIABLE ALTERNATIVE AREA OR AREAS FOR SUCH PROJECT, FINANCIAL ASSISTANCE MAY BE PROVIDED.

S 15. Subdivision 4 of section 874 of the general municipal law, as amended by chapter 357 of the laws of 1993, paragraphs (b) and (c) as amended by chapter 444 of the laws of 1997, is amended to read as follows:

(4) (a) The agency shall establish a uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy, with input from affected tax jurisdictions, which shall be applicable to the provision of financial assistance pursuant to section eight hundred fifty-nine-a of this [chapter] TITLE and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; PAYMENTS IN LIEU OF TAXES, AS A percentage of [exemption] TAXES THAT WOULD HAVE BEEN LEVIED BY OR ON BEHALF OF AFFECTED TAX JURISDICTIONS IF THE PROJECT WAS NOT TAX EXEMPT BY REASON OF AGENCY INVOLVEMENT; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, agencies shall in adopting such policy consider such issues as: the extent to which a project will create or retain permanent, private sector jobs; THE WAGES AND BENEFITS TO BE PAID; the estimated value of any tax exemptions to be provided; whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

(b) [The uniform tax exemption policy established pursuant to this section shall be reviewed and readopted by the agency on or before April first, nineteen hundred ninety-nine following a public hearing. Notice of this hearing shall be given to the chief executive officer of each affected tax jurisdictions at least sixty days before the hearing. Prior to the hearing the agency shall review, and respond to any correspondence received from any affected tax jurisdiction. The agency shall allow any representative of an affected tax jurisdiction to address the agency at the hearing. The agency shall develop and submit a report to the affected tax jurisdictions sixty days prior to the hearing which details the projects which the agency has assisted in the previous five years and shall include information specific to each project including the period of exemption; the type of project; the estimated percentage of exemption by year; the estimated value of any other assistance provided by the agency; whether commitments for payments in lieu of taxes were made and met, the estimated value of such payments by year and affected tax jurisdiction; the estimated amount of private sector investment generated by the project; and the extent to which the project created or retained permanent, private sector jobs.] THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY ESTABLISHED PURSUANT TO THIS SECTION SHALL BE REVIEWED AND READOPTED BY THE AGENCY ON OR BEFORE APRIL FIRST, TWO THOUSAND TEN AND EACH YEAR THEREAFTER FOLLOWING A PUBLIC HEARING. NOTICE OF THIS HEARING SHALL BE GIVEN TO THE CHIEF EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY OF EACH AFFECTED TAX JURISDICTION AT LEAST SIXTY DAYS BEFORE THE HEARING. PRIOR TO THE HEARING THE AGENCY SHALL REVIEW, AND RESPOND TO ANY CORRESPONDENCE RECEIVED FROM ANY AFFECTED TAX JURISDICTION. THE AGENCY SHALL ALLOW ANY REPRESENTATIVE OF AN AFFECTED TAX JURISDICTION TO ADDRESS THE AGENCY AT THE HEARING. THE AGENCY SHALL DEVELOP AND SUBMIT A REPORT TO THE AFFECTED TAX JURISDICTIONS SIXTY DAYS PRIOR TO THE HEARING WHICH DETAILS THE PROJECTS WHICH THE AGENCY HAS ASSISTED IN THE PREVIOUS FIVE YEARS AND SHALL INCLUDE INFORMATION SPECIFIC TO EACH PROJECT INCLUDING THE PERIOD OF EXEMPTION; THE TYPE OF PROJECT; THE ESTIMATED PERCENTAGE OF EXEMPTION BY YEAR; THE ESTIMATED VALUE OF ANY OTHER ASSISTANCE PROVIDED BY THE AGENCY; WHETHER COMMITMENTS FOR PAYMENTS IN LIEU OF TAXES WERE MADE AND MET, THE ESTIMATED VALUE OF SUCH PAYMENTS BY YEAR AND AFFECTED TAX JURISDICTION; THE ESTIMATED AMOUNT OF PRIVATE SECTOR INVESTMENT GENERATED BY THE PROJECT; THE EXTENT TO WHICH THE PROJECT CREATED OR RETAINED PERMANENT, PRIVATE SECTOR JOBS; AND THE WAGES AND BENEFITS PAID. THE ADOPTED UNIFORM PAYMENT IN LIEU OF TAX (PILOT) POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY OF EACH AFFECTED TAX JURISDICTION AND SHALL BE MADE AVAILABLE TO PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON THE AGENCY'S WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

(c) The agency shall establish a procedure for deviation from the uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy required pursuant to this subdivision. The agency shall set forth in writing the reasons for deviation from such policy, and shall further notify the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefor AND OBTAIN THE WRITTEN APPROVAL OF EACH AFFECTED TAX JURISDICTION.

Such notice to the affected tax jurisdictions shall be given to the chief executive officer AND THE MEMBERS OF THE GOVERNING BODY of each affected tax jurisdiction at least thirty days prior to the meeting of the agency at which the agency shall consider whether to approve such proposed deviation. Prior to taking final action at said meeting, the agency shall review and respond to any correspondence received from any affected tax jurisdiction regarding such proposed deviation. The agency shall allow any representative of an affected tax jurisdiction present at such meeting to address the agency regarding such proposed deviation. THE ADOPTED DEVIATION TO THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT) POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

S 16. Section 882 of the general municipal law, as added by chapter 1030 of the laws of 1969, is amended to read as follows:

S 882. Termination of the agency. WHENEVER ONE HUNDRED THOUSAND DOLLARS OR LESS OF AGENCY BONDS OR NOTES ARE OUTSTANDING, THE AGENCY SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. Whenever all of the bonds or notes issued by the agency shall have been redeemed or cancelled, the agency shall cease to exist and all rights, titles, and interest and all obligations and liabilities thereof vested in or possessed by the agency shall thereupon vest in and be possessed by the municipality.

S 17. Section 886 of the general municipal law is renumbered section 887 and a new section 886 is added to read as follows:

S 886. DISSOLUTION AND MERGER OF AGENCIES. 1. ANY INDUSTRIAL DEVELOPMENT AGENCY ESTABLISHED FOR THE BENEFIT OF A TOWN, VILLAGE OR CITY WITHIN A COUNTY MAY DISSOLVE AND SIMULTANEOUSLY MERGE WITH THE INDUSTRIAL DEVELOPMENT AGENCY ESTABLISHED FOR THE BENEFIT OF THE COUNTY IN WHICH THE AGENCY ESTABLISHED FOR THE BENEFIT OF THE TOWN, VILLAGE OR CITY IS LOCATED, IF SUCH COUNTY AGENCY HAS BEEN ESTABLISHED, SUBJECT TO THE PROVISIONS OF THIS SECTION. UPON THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, THE TOWN, VILLAGE OR CITY AGENCY, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED FIFTY-SIX AND SECTION EIGHT HUNDRED EIGHTY-TWO OF THIS TITLE, SHALL CEASE TO EXIST AND ALL THE RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES OF SUCH AGENCIES, INCLUDING BUT NOT LIMITED TO THE RIGHTS AND OBLIGATIONS UNDER ANY BOND, NOTE, CONTRACT OR OTHER AGREEMENT, EXPRESS OR IMPLIED, SHALL DEVOLVE TO, BE VESTED IN AND POSSESSED BY THE COUNTY AGENCY, WHICH SHALL IN ALL RESPECTS AND FOR ALL PURPOSES BE THE SUCCESSOR IN INTEREST TO SUCH TOWN, VILLAGE OR CITY AGENCY.

2. THE GOVERNING BODY OF THE TOWN, VILLAGE OR CITY FOR WHOSE BENEFIT THE AGENCY THAT IS PROPOSING TO DISSOLVE AND MERGE IS ESTABLISHED, IN CONSULTATION WITH (A) THE MEMBERS OF THE AGENCY, (B) MEMBERS OF THE AGENCY ESTABLISHED FOR THE BENEFIT OF THE COUNTY, AND (C) THE CHIEF EXECUTIVE OF THE COUNTY, SHALL ADOPT A PLAN SETTING FORTH, AT A MINIMUM:

(I) THE NAME AND DATE OF ESTABLISHMENT OF THE AGENCY OR AGENCIES TO BE DISSOLVED;

(II) THE NAMES OF THE MEMBERS OF SUCH AGENCY, SPECIFYING THE IDENTITY OF THE CHAIRPERSON;

(III) THE UNDERLYING PURPOSE OF THE DISSOLUTION AND MERGER, INCLUDING ECONOMIES AND EFFICIENCIES THAT ARE PROJECTED AS A RESULT THEREOF;

(IV) A STATEMENT, CONTAINING BOTH CURRENT INFORMATION AND INFORMATION PROJECTED TO THE PROPOSED DATE OF THE DISSOLUTION AND MERGER, OF (1) THE OUTSTANDING BONDS, NOTES AND ANY OTHER OBLIGATIONS OR LIABILITIES, (2) ACTUAL AND ACCRUED REVENUES, (3) EACH PROJECT FOR WHICH FINANCIAL ASSISTANCE HAS BEEN PROVIDED, THE TYPE OF FINANCIAL ASSISTANCE PROVIDED AND THE STATUS OF THE PROJECT, AND (4) THE GENERAL TERMS AND CONDITIONS OF EACH CONTRACT, INCLUDING PAYMENT IN LIEU OF TAX AGREEMENTS;

(V) THE TERMS AND CONDITIONS OF THE PROPOSED DISSOLUTION AND MERGER INCLUDING A STATEMENT ACKNOWLEDGING THAT THE COUNTY AGENCY SHALL, UPON THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, SUCCEED TO ALL THE RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES, INCLUDING BONDS,

NOTES AND OTHER OBLIGATIONS AND CONTRACTUAL RIGHTS AND OBLIGATIONS, OF THE DISSOLVED AND MERGED TOWN, VILLAGE OR CITY AGENCIES;

(VI) A STATEMENT OF ANY AMENDMENTS OR CHANGES TO THE CERTIFICATE OF THE COUNTY AGENCY FILED IN THE OFFICE OF THE SECRETARY OF STATE NECESSITATED BY THE MERGER; AND

(VII) A STATEMENT THAT THE PLAN OF MERGER HAS BEEN REVIEWED AND APPROVED BY COUNSEL FOR THE TOWN, VILLAGE OR CITY AGENCY AND COUNSEL FOR THE COUNTY AGENCY, INDICATING THAT EACH COUNSEL HAS CONSIDERED THE IMPACT, IF ANY, OF THE DISSOLUTION AND MERGER ON: (1) THE RIGHTS OF ANY EMPLOYEES OF THE MERGING AGENCIES; AND (2) THE RECIPIENTS OF FINANCIAL ASSISTANCE FROM THE AGENCIES.

3. NO LATER THAN JULY FIRST, TWO THOUSAND NINE, THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL UNDERTAKE A STUDY TO IDENTIFY THOSE TOWN, VILLAGE OR CITY AGENCIES THAT, AS DETERMINED BY THE COMMISSIONER, HAVE NOT UNDERTAKEN SIGNIFICANT ACTIVITY WITHIN THE PRIOR FIVE YEARS AND, IF DEEMED APPROPRIATE BY THE COMMISSIONER, THE COMMISSIONER SHALL RECOMMEND THAT THOSE AGENCIES BE DISSOLVED AND MERGED INTO THE COUNTY AGENCY. THE COMMISSIONER'S FINDINGS SHALL BE REPORTED NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TEN, TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE STATE COMPTROLLER, THE GOVERNOR AND TO EACH AGENCY IDENTIFIED IN THE REPORT.

S 18. The general municipal law is amended by adding a new section 889 to read as follows:

S 889. ADDITIONAL POWERS. NOTHING IN THIS TITLE SHALL LIMIT A GOVERNING BODY FROM ENACTING LAWS OR OTHERWISE EXERCISING ITS AUTHORITY RELATING TO A PROJECT OR ANY OTHER PROVISION OF THIS ARTICLE TO ADD REQUIREMENTS THAT ARE NOT LESS THAN THE WAGE, REPORTING, DEFAULT OR OTHER REQUIREMENTS OF THIS TITLE.

S 19. The general municipal law is amended by adding a new section 889-a to read as follows:

S 889-A. BROWNFIELD REDEVELOPMENT INCENTIVE. APPLICANTS SEEKING APPROVAL FOR PROJECTS LOCATED ON A BROWNFIELD SHALL BE ELIGIBLE FOR EXISTING LOW COST POWER ALLOCATION AVAILABLE FROM THE POWER AUTHORITY OF THE STATE OF NEW YORK. IN ADDITION, SUCH PROJECTS WILL NOT BE SUBJECT TO THE BOND ISSUANCE CHARGE LEVIED PURSUANT TO SECTION TWENTY-NINE HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW.

THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO REAL PROPERTY SUBJECT TO THE BROWNFIELD SITE CLEAN-UP AGREEMENT ENTERED INTO BY A VOLUNTEER PURSUANT TO SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW. FAILURE OF ANY REAL PROPERTY TO RECEIVE A CERTIFICATE OF COMPLETION PURSUANT TO SECTION 27-1419 OF SUCH LAW SHALL BE GROUNDS FOR REVOCATION OF THE BENEFITS PROVIDED BY THIS SECTION.

S 20. Sections twenty-one through twenty-five of this act shall be called the Erie County agency pilot program. Whereas Erie County contains six industrial development agencies that have demonstrated a recognition of the disadvantages of intermunicipal competition and the need for a regional approach to economic planning, the legislature hereby designates Erie County as the pilot county for the sub-county agency consolidation program.

S 21. The first undesignated paragraph of section 898-a of the general municipal law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITHSTANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT

THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

S 22. The first undesignated paragraph of section 901-a of the general municipal law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITHSTANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

S 23. The first undesignated paragraph of section 914-a of the general municipal law, as added by chapter 579 of the laws of 1973, is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITHSTANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

S 24. Section 925-t of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITHSTANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

S 25. Section 925-v of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITHSTANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

S 26. Section 100 of the economic development law is amended by adding a new subdivision 25-a to read as follows:

25-A. TO DETERMINE APPEALS FROM THE DECISIONS OF INDUSTRIAL DEVELOPMENT AGENCIES AND TO CARRY OUT SUCH OTHER DUTIES AS REQUIRED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW.

S 27. The opening paragraph of paragraph 3 of subdivision (h) of section 183 of the economic development law, as added by chapter 313 of the laws of 2005, is amended to read as follows:

Each application for an energy cost savings benefit shall be evaluated under criteria adopted by the board in consultation with the power authority of the state of New York, which criteria shall be designed to promote economic development, maintain and develop jobs, [and] encourage new capital investment, AND PROMOTE BROWNFIELD CLEAN-UP AND REDEVELOPMENT throughout the state of New York. Such criteria shall address but need not be limited to:

S 27-a. Subdivision 2 of section 220 of the labor law, as amended by chapter 678 of the laws of 2007, is amended to read as follows:

2. Each contract, LEASE, GRANT, BOND, COVENANT, DEBT AGREEMENT OR PERMIT to which the state or a public benefit corporation or a municipal corporation or a commission appointed pursuant to law is a party, INCLUDING ALL PROJECTS INVOLVING THE CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION OR ALTERATION OF A BUILDING, CHARTER SCHOOL OR IMPROVEMENT TO PROPERTY FINANCED, IN WHOLE OR IN PART, THROUGH AN INDUSTRIAL DEVELOPMENT AGENCY, and any

contract for public work entered into by a third party acting in place of, on behalf of and for the benefit of such public entity pursuant to any lease, permit or other agreement between such third party and the public entity, and which may involve the employment of laborers, workers or mechanics shall contain a stipulation that no laborer, worker or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day or more than five days in any one week except in cases of extraordinary emergency including fire, flood or danger to life or property. No such person shall be so employed more than eight hours in any day or more than five days in any one week except in such emergency. Extraordinary emergency within the meaning of this section shall be deemed to include situations in which sufficient laborers, workers and mechanics cannot be employed to carry on public work expeditiously as a result of such restrictions upon the number of hours and days of labor and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same. Upon the application of any person interested, the commissioner shall make a determination as to whether or not on any public project or on all public projects in any area of this state, sufficient laborers, workers and mechanics of any or all classifications can be employed to carry on work expeditiously if their labor is restricted to eight hours per day and five days per week, and in the event that the commissioner determines that there are not sufficient workers, laborers and mechanics of any or all classifications which may be employed to carry on such work expeditiously if their labor is restricted to eight hours per day and five days per week, and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same, the commissioner shall grant a dispensation permitting all laborers, workers and mechanics, or any classification of such laborers, workers and mechanics, to work such additional hours or days per week on such public project or in such areas the commissioner shall determine. Whenever such a dispensation is granted, all work in excess of eight hours per day and five days per week shall be considered overtime work, and the laborers, workers and mechanics performing such work shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed. No such dispensation shall be effective with respect to any public work unless and until the department of jurisdiction, as defined in this section, certifies to the commissioner that such public work is of an important nature and that a delay in carrying it to completion would result in serious disadvantage to the public. Time lost in any week because of inclement weather by employees engaged in the construction, reconstruction and maintenance of highways outside of the limits of cities and villages may be made up during that week and/or the succeeding three weeks.

S 28. Subdivision 2 of section 220 of the labor law, as amended by chapter 851 of the laws of 1947, is amended to read as follows:

2. Each contract, LEASE, GRANT, BOND, COVENANT, DEBT AGREEMENT OR PERMIT to which the state or a public benefit corporation or a municipal corporation or a commission appointed pursuant to law is a party, INCLUDING ALL PROJECTS INVOLVING THE CONSTRUCTION, DEMOLITION, RECON-

STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION OR ALTERATION OF A BUILDING, CHARTER SCHOOL OR IMPROVEMENT TO PROPERTY FINANCED, IN WHOLE OR IN PART, THROUGH AN INDUSTRIAL DEVELOPMENT AGENCY, and which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day or more than five days in any one week except in cases of extraordinary emergency including fire, flood or danger to life or property. No such person shall be so employed more than eight hours in any day or more than five days in any one week except in such emergency. Extraordinary emergency within the meaning of this section shall be deemed to include situations in which sufficient laborers, workmen and mechanics cannot be employed to carry on public work expeditiously as a result of such restrictions upon the number of hours and days of labor and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the [industrial] commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same. Upon the application of any person interested, the [industrial] commissioner shall make a determination as to whether or not on any public project or on all public projects in any area of this state, sufficient laborers, workmen and mechanics of any or all classifications can be employed to carry on work expeditiously if their labor is restricted to eight hours per day and five days per week, and in the event that the [industrial] commissioner determines that there are not sufficient workmen, laborers and mechanics of any or all classifications which may be employed to carry on such work expeditiously if their labor is restricted to eight hours per day and five days per week, and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the [industrial] commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same, the [industrial] commissioner shall grant a dispensation permitting all laborers, workmen and mechanics, or any classification of such laborers, workmen and mechanics, to work such additional hours or days per week on such public project or in such areas the [industrial] commissioner shall determine. Whenever such a dispensation is granted, all work in excess of eight hours per day and five days per week shall be considered overtime work, and the laborers, workmen and mechanics performing such work shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed. No such dispensation shall be effective with respect to any public work unless and until the department of jurisdiction, as defined in this section, certifies to the [industrial] commissioner that such public work is of an important nature and that a delay in carrying it to completion would result in serious disadvantage to the public. Time lost in any week because of inclement weather by employees engaged in the construction, reconstruction and maintenance of highways outside of the limits of cities and villages may be made up during that week and/or the succeeding three weeks.

S 29. Section 1963-a of the public authorities law, as amended by chapter 357 of the laws of 1993, is amended to read as follows:

S 1963-a. Uniform tax exemption policy. 1. The authority shall establish a uniform tax exemption policy, with input from affected local taxing jurisdictions, which shall be applicable to provisions of financial assistance pursuant to section nineteen hundred fifty-three-a of this [chapter] TITLE and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; PAYMENTS IN LIEU OF TAXES, AS A percentage of [exemption] TAXES THAT WOULD HAVE BEEN LEVIED BY OR ON BEHALF OF AFFECTED TAX JURISDICTIONS IF THE PROJECT WAS NOT TAX EXEMPT BY REASON OF AGENCY INVOLVEMENT; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, the authority in adopting such policy shall consider such issues as: the extent to which a project will create or retain permanent, private sector jobs; THE WAGES AND BENEFITS TO BE PAID; the estimated value of any tax exemption to be provided; whether affected tax jurisdictions should be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources or revenue for municipalities and school districts. THE ADOPTED UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

2. The authority shall establish a procedure for deviation from the uniform tax exemption policy required pursuant to this section. The authority shall set forth in writing the reasons for deviation from such policy, and shall further notify the affected tax jurisdictions of the proposed deviation from such policy and the reasons therefor. THE ADOPTED DEVIATION TO THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

S 30. Section 2315 of the public authorities law, as amended by chapter 357 of the laws of 1993, is amended to read as follows:

S 2315. Uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy. 1. The authority shall establish a uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy, with input from affected local taxing jurisdictions, which shall be applicable to provisions of financial assistance pursuant to section twenty-three hundred seven of this [chapter] TITLE and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; PAYMENTS IN LIEU OF TAXES, AS A percentage of [exemption] TAXES THAT WOULD HAVE BEEN LEVIED BY OR ON BEHALF OF AFFECTED TAX JURISDICTIONS IF THE PROJECT WAS NOT TAX EXEMPT BY REASON OF AGENCY INVOLVEMENT; types of projects for which exemptions may be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, the authority in adopting such policy shall consider such issues as: the extent to which a project will create or retain permanent, private sector jobs; THE WAGES AND BENEFITS TO BE PAID; the estimated value of any tax exemption to be provided; whether affected tax jurisdictions should be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the [extend] EXTENT to which the proposed project will provide additional sources of revenue for municipalities and school districts. THE ADOPTED UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

2. The authority shall establish a procedure for deviation from the uniform [tax exemption] PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy required pursuant to this section. The authority shall set forth in writing the reasons for deviation from such policy, and shall further notify the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefor. THE ADOPTED DEVIATION TO THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

S 31. Federal preemption and severability. The provisions of each section of this act shall be deemed severable, and the declaration by a court of competent jurisdiction that any part thereof is preempted or otherwise invalid shall not affect the remaining parts thereof.

S 32. Subdivision 3 of section 8 of chapter 444 of the laws of 1997 amending the general municipal law and other laws relating to the tax exemption status of industrial development agencies, as amended by chapter 381 of the laws of 2007, is amended to read as follows:

3. [sections one through three] SECTION TWO of this act shall expire and be deemed repealed on and after January 31, 2008; and

S 33. Section 5 of chapter 905 of the laws of 1986 amending the general municipal law relating to authorizing financing assistance for civic facilities by industrial development agencies, as amended by chapter 381 of the laws of 2007, is amended to read as follows:

S 5. This act shall take effect immediately [and shall remain in full force and effect until the end of calendar day January 31, 2008, when upon such date (i) the provisions of subdivision 4 of section 854 of the general municipal law, as amended by section one of this act, shall revert to and be read as set out in law on the date immediately preceding the effective date of this act, and (ii) the provisions of sections two and three of this act shall be deemed repealed].

S 34. Notwithstanding the provisions of article 5 of the general construction law, the provisions of subdivisions 4 and 13 of section

854, paragraphs (b) and (c) of subdivision 4 of section 874, subdivision 3 of section 859-a, and subdivision 3 of section 859 and subdivision (c) of section 917 of the general municipal law are hereby revived and shall continue in full force and effect as such provisions existed on January 31, 2008.

S 35. This act shall take effect on the ninetieth day after it shall have become a law, provided that sections thirty-two and thirty-three of this act shall take effect immediately and section thirty-two of this act shall be deemed to have been in full force and effect on and after January 31, 2008 provided further that the amendments to section 183 of the economic development law made by section twenty-seven of this act shall not affect the expiration of such section and shall expire therewith; provided further that the amendments to subdivision 2 of section 220 of the labor law made by section twenty-seven-a of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 5 of chapter 678 of the laws of 2007, as amended, when upon such date the provisions of section twenty-eight of this act shall take effect.