

508--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, BRODSKY, WRIGHT, PERALTA, JEFFRIES, BRENNAN, BROOK-KRASNY, DINOWITZ, JAFFEE, LANCMAN, LIFTON, McENENY, MILLMAN, ORTIZ, PHEFFER, PRETLOW, SCHIMEL, BENJAMIN, P. RIVERA, ZEBROWSKI, MENG, FIELDS, CASTRO, COLTON, DenDEKKER, DESTITO, ESPAILLAT, GLICK, HOOPER, JACOBS, KELLNER, KOON, LATIMER, LENTOL, PERRY, POWELL, J. RIVERA, SCARBOROUGH, SPANO, STIRPE, BARRON, CAHILL, AUBRY, ROSENTHAL, WEINSTEIN, COOK -- Multi-Sponsored by -- M. of A. CAMARA, GORDON, GOTTFRIED, GUNTHER, HEVESI, JOHN, LUPARDO, MAISEL, PEOPLES, RAIA, RAMOS, RUSSELL, SALADINO, TITONE, TOBACCO -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to enacting the "public benefits for professional facilities act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "public benefits for professional facilities act".

3 S 2. Article 9 of the public authorities law is amended by adding a
4 new title 3-B to read as follows:

5 TITLE 3-B

6 PUBLIC BENEFITS FOR PROFESSIONAL FACILITIES

7 SECTION 2860. PROFESSIONAL FACILITIES.

8 S 2860. PROFESSIONAL FACILITIES. 1. NO LATER THAN NINETY DAYS AFTER
9 THE EFFECTIVE DATE OF THIS SUBDIVISION, THE EMPIRE STATE DEVELOPMENT
10 CORPORATION SHALL PUBLISH ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE
11 AN ACCOUNTING OF ALL BENEFITS THAT ANY STATE OR LOCAL AUTHORITY HAS
12 GRANTED OR OBLIGATED ITSELF TO GRANT FOR THE PURPOSE OF CONSTRUCTION,
13 RECONSTRUCTION, REPAIR OR REHABILITATION OF A PROFESSIONAL SPORTS FACIL-

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

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1 ITY. SUCH ACCOUNTING SHALL INCLUDE ALL SUCH BENEFITS GRANTED OR OBLI-
2 GATED TO BE GRANTED AT ANY TIME ON OR AFTER JANUARY FIRST, TWO THOUSAND
3 SEVEN. THEREAFTER, THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL
4 PUBLISH ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE AN UPDATE OF SUCH
5 ACCOUNTING BY FEBRUARY FIFTEENTH OF EACH YEAR, COVERING THE PERIOD
6 ENDING DECEMBER THIRTY-FIRST OF THE PRECEDING YEAR. ANY STATE OR LOCAL
7 AUTHORITY THAT HAS GRANTED OR OBLIGATED ITSELF TO GRANT ANY SUCH BENEFIT
8 SHALL REPORT THE TERMS OF SUCH BENEFIT TO THE EMPIRE STATE DEVELOPMENT
9 CORPORATION NO LATER THAN THE EARLIER OF THE DATE THE BENEFIT IS GRANTED
10 OR THE DATE THE BENEFIT IS OBLIGATED TO BE GRANTED.

11 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
12 THE FOLLOWING MEANINGS:

13 (A) "BENEFIT" SHALL MEAN ANY DIRECT OR INDIRECT GRANT OF FUNDS, TAX
14 REDUCTIONS, TAX PREFERENCES, SUBSIDIES, PAYMENTS IN LIEU OF ANY TAX OR
15 TAX OBLIGATION, OR ANY OTHER FORM OF PUBLIC SUPPORT.

16 (B) "AFFORDABLE" SHALL MEAN WITHIN THE ECONOMIC ABILITY OF PERSONS
17 WHOSE INCOME IS AT OR BELOW SIXTY PERCENT OF THE AREA MEDIAN INCOME FOR
18 A FOUR-PERSON HOUSEHOLD TO PURCHASE TICKETS WITHOUT ECONOMIC HARDSHIP.

19 (C) "AFFORDABLE TICKET AGREEMENT" SHALL MEAN A BINDING AGREEMENT AMONG
20 THE STATE OR LOCAL AUTHORITY GRANTING A BENEFIT, THE RECIPIENT OF SUCH
21 BENEFIT, AND ANY OTHER PARTY NECESSARY TO GIVE SUCH AGREEMENT EFFECT,
22 THE TERMS OF WHICH ARE PUBLICLY DISCLOSED NOT LESS THAN THIRTY DAYS
23 BEFORE THE STATE OR LOCAL AUTHORITY GRANTS ANY BENEFIT OR UNDERTAKES ANY
24 OBLIGATION TO GRANT SUCH BENEFIT. SUCH AGREEMENT SHALL INCLUDE
25 PROVISIONS TO PREVENT RESALE OF TICKETS SUBJECT TO THE AGREEMENT AT
26 PRICES ABOVE FACE VALUE.

27 3. ANY STATE OR LOCAL AUTHORITY THAT GRANTS ANY BENEFIT, FOR THE
28 PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR OR REHABILITATION OF A
29 PROFESSIONAL SPORTS FACILITY, SHALL, AS A CONDITION OF SUCH BENEFIT,
30 REQUIRE THAT AT LEAST SEVEN PERCENT OF ALL TICKETS FOR EACH EVENT BE
31 SUBJECT TO AN AFFORDABLE TICKET AGREEMENT. FURTHERMORE, SUCH BENEFIT
32 SHALL BE CONDITIONED UPON A FACILITY POLICY THAT LIMITS TICKET PRICE
33 INCREASES TO NO MORE THAN TWO PERCENT ANNUALLY FOR THE NEXT TEN YEARS,
34 IF AT ANY TIME IN THE LAST THREE YEARS SEASON OR INDIVIDUAL TICKETS HAVE
35 BEEN OFFERED FOR SALE WITH CUMULATIVE PRICE INCREASES OF MORE THAN THIR-
36 TY PERCENT.

37 S 3. This act shall take effect immediately.