

5218

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the New York state urban development corporation act, in  
relation to establishing the empire revolving bridge loan fund, and  
authorizing the New York state urban development corporation to issue  
bonds or notes to provide monies for such fund; and to amend chapter  
393 of the laws of 1994, amending the New York state urban development  
corporation act relating to the powers of the New York state urban  
development corporation to make loans, in relation to the effective-  
ness thereof

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

1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
2 the New York state urban development corporation act, is amended by  
3 adding a new section 16-t to read as follows:  
4 S 16-T. EMPIRE REVOLVING BRIDGE LOAN FUND. 1. IT IS HEREBY DECLARED  
5 THAT IT IS A VITAL POLICY AND PUBLIC PURPOSE OF NEW YORK STATE TO  
6 PROMOTE SIGNIFICANT ECONOMIC DEVELOPMENT IN NEW YORK. THE HISTORY OF NEW  
7 YORK IS MARKED BY LARGE-SCALE ECONOMIC ENDEAVORS WHICH HARNESSSED THE  
8 CREATIVITY, SKILL AND VISION OF THE RESIDENTS OF NEW YORK. THE TRANS-  
9 FORMING POWER OF THESE ACCOMPLISHMENTS IS BEST EMBODIED IN THE ERIE  
10 CANAL, WHICH CREATED IN ITS WAKE A SURGE OF ECONOMIC AND POPULATION  
11 GROWTH IN NEW YORK. IN CONTRAST, THE LEGISLATURE HEREBY FINDS THAT THE  
12 CURRENT ECONOMIC CLIMATE OF NEW YORK AS A WHOLE IS MARKED BY PERSISTENT  
13 DISINVESTMENT, BLIGHT AND AGING INFRASTRUCTURE, LOSS OF OPEN SPACE, AND  
14 EMIGRATION OF EMPLOYMENT OPPORTUNITIES AND INVESTMENT DOLLARS, AND THAT  
15 RECREATING THE ENVIRONMENT OF ENERGY AND RISK-TAKING THAT DROVE THE ERIE  
16 CANAL IS ESSENTIAL TO NEW YORK'S FUTURE WELL-BEING. THE LEGISLATURE  
17 FINDS THAT IN ORDER TO REVERSE THE TRENDS OF DECLINE, IT IS NECESSARY  
18 AND APPROPRIATE TO ESTABLISH A PUBLIC/PRIVATE FINANCING MODEL TO PROMOTE  
19 ECONOMIC DEVELOPMENT IN NEW YORK WHILE MAXIMIZING LEVERAGE NEEDED TO

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

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1 ASSIST IN FINANCING SUCH PROJECTS AND DO SO IN AN EXPEDITED MANNER. THE  
2 LEGISLATURE HEREBY FINDS THAT CURRENT CONDITIONS IN CREDIT MARKETS HAVE  
3 HAD A NEGATIVE EFFECT ON SIGNIFICANT ECONOMIC DEVELOPMENT PROJECTS IN  
4 NEW YORK. IT IS THE OVERRIDING PUBLIC POLICY OF THIS STATE TO CREATE A  
5 VEHICLE TO PROVIDE SHORT-TERM FINANCING FOR IMPORTANT PROJECTS IN NEW  
6 YORK TO ENSURE THE HEALTH, WELFARE AND PROSPERITY OF ALL CITIZENS OF THE  
7 STATE.

8 2. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE CORPORATION A  
9 SPECIAL FUND TO BE KNOWN AS THE "EMPIRE REVOLVING BRIDGE LOAN FUND".

10 3. THE FUND SHALL CONSIST OF THE NET PROCEEDS OF ONE OR MORE SERIES OF  
11 BONDS OR NOTES ISSUED, AT ANY TIME AND FROM TIME TO TIME, BY THE CORPO-  
12 RATION PURSUANT TO ARTICLE 5-C OF THE STATE FINANCE LAW AND SUBDIVISION  
13 NINE OF THIS SECTION FOR THE PURPOSES OF THIS SECTION, ALL MONIES TRANS-  
14 FERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS DONATED TO IT, PAYMENTS  
15 OF PRINCIPAL ON LOANS MADE FROM THE FUND, AND ANY INTEREST EARNINGS  
16 WHICH MAY ACCRUE FROM THE INVESTMENT OR REINVESTMENT OF MONEYS FROM THE  
17 FUND. THE MONIES HELD IN OR CREDITED TO THE FUND SHALL BE EXPENDED SOLE-  
18 LY FOR THE PURPOSES SET FORTH IN THIS SECTION. THE CORPORATION SHALL NOT  
19 COMMINGLE THE MONIES OF SUCH FUND WITH ANY OTHER MONIES OF THE CORPO-  
20 RATION OR ANY MONIES HELD IN TRUST BY THE CORPORATION.

21 4. MONIES OF THE FUND, WHEN ALLOCATED, SHALL BE AVAILABLE TO THE  
22 CORPORATION TO MAKE LOANS TO ELIGIBLE PROJECTS AS PROVIDED IN THIS  
23 SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR PURPOSES OF  
24 THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE ACCOMPANYING MEANINGS:

25 (A) "APPLICANT" SHALL MEAN THAT INDIVIDUAL OR ENTITY, OR SUCH INDIVID-  
26 UAL OR ENTITY'S AGENT, SUCCESSOR IN INTEREST, ASSIGNEE OR DESIGNEE,  
27 WHICH FILES AN APPLICATION WITH THE CORPORATION FOR CONSIDERATION OF AN  
28 ELIGIBLE PROJECT.

29 (B) "BROWNFIELD SITE" SHALL HAVE THE MEANING SET FORTH IN SECTION  
30 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW.

31 (C) "ELIGIBLE PROJECT" SHALL MEAN ANY NEW EQUIPMENT, IMPROVEMENT OR  
32 STRUCTURE, INCLUDING NEW CONSTRUCTION, ALTERATION OR IMPROVEMENT TO  
33 EXISTING STRUCTURES, AND ALL REAL AND PERSONAL PROPERTY DEEMED NECESSARY  
34 THEREWITH, WHICH IS PROJECTED TO (I) COST A MINIMUM OF TWENTY MILLION  
35 DOLLARS, (II) RESULT IN THE CREATION, IN ONE OR MORE PHASES, OF AT LEAST  
36 THREE HUNDRED NEW FULL TIME EQUIVALENT JOBS AT THE PROJECT SITE, AND  
37 (III) ONE OR MORE OF THE FOLLOWING: (A) WILL BE DESIGNED AND CONSTRUCTED  
38 TO ACHIEVE "GOLD" STATUS OR HIGHER PURSUANT TO THE LEADERSHIP IN ENERGY  
39 AND ENVIRONMENTAL DESIGN ("LEED") GREEN BUILDING RATING SYSTEM CRITERIA  
40 DEVELOPED BY THE UNITED STATES GREEN BUILDING COUNCIL OR (B) WILL BE  
41 DESIGNED AND CONSTRUCTED TO ACHIEVE "3 GLOBES" OR HIGHER PURSUANT TO THE  
42 GREEN GLOBES RATING SYSTEM DEVELOPED BY THE GREEN BUILDING INITIATIVE;  
43 OR (C) WILL UTILIZE TECHNOLOGY-ENABLED DESIGN, CONSTRUCTION AND COOPER-  
44 ATION INCLUDING, BUT NOT LIMITED TO, GENERALLY ACCEPTED UNIVERSAL DESIGN  
45 PRINCIPLES THAT ENHANCE THE FULL CYCLE USE OF BUILDINGS WITHOUT REGARD  
46 TO THE PHYSICAL ABILITIES OR DISABILITIES OF OCCUPANTS OR GUESTS IN  
47 ORDER TO ACCOMMODATE A WIDE RANGE OF INDIVIDUAL PREFERENCES AND FUNC-  
48 TIONAL ABILITIES. IF A PHASE OF THE ELIGIBLE PROJECT IS UNDER  
49 CONSTRUCTION AS OF THE DATE OF THE APPLICATION, THEN ANY JOBS CREATED AS  
50 OF SUCH DATE SHALL BE CONSIDERED JOBS CREATED FOR PURPOSES OF THIS DEFI-  
51 NITION.

52 THE CORPORATION SHALL GIVE PREFERENCE TO THOSE ELIGIBLE PROJECTS WHICH  
53 MEET EITHER OR BOTH OF THE FOLLOWING CRITERIA: (I) THE SITE IS LOCATED  
54 IN AN AREA OF A MUNICIPALITY OR REGION CHARACTERIZED BY HIGH UNEMPLOY-  
55 MENT, A HIGH POVERTY RATE AND/OR A HIGH COMMERCIAL VACANCY RATE; OR (II)

1 THE APPLICANT'S PROPOSED ELIGIBLE PROJECT WILL BE LOCATED, IN WHOLE OR  
2 IN PART, ON A BROWNFIELD SITE AS DEFINED IN THIS SECTION.

3 (D) "ELIGIBLE PURPOSES" SHALL MEAN, NOTWITHSTANDING ARTICLE 5-B OF THE  
4 STATE FINANCE LAW, ALL COSTS PAID OR INCURRED IN CONNECTION WITH THE  
5 DESIGN AND CONSTRUCTION OF AN ELIGIBLE PROJECT, INCLUDING, WITHOUT LIMITATION,  
6 THE COSTS OF LAND AND OTHER INTERESTS, BUILDINGS, FIXTURES,  
7 FURNITURE, EQUIPMENT OR MACHINERY, RESEARCH AND DEVELOPMENT, PERMITTING,  
8 PLANNING, ENGINEERING, FINANCING, REFINANCING, THE PROVISION OF WORKING  
9 CAPITAL, INVENTORY, MARKETING, EXPENDITURES ASSOCIATED WITH THE OPENING  
10 OF AN ELIGIBLE PROJECT, AND/OR OTHER AMOUNTS, INCLUDING RESERVES AND  
11 INTEREST, REQUIRED TO BE PAID IN CONNECTION WITH FINANCING OR REFINANCING  
12 OF THE ELIGIBLE PROJECT.

13 (E) "FUND" MEANS THE EMPIRE REVOLVING BRIDGE LOAN FUND ESTABLISHED BY  
14 THIS SECTION.

15 (F) "SPONSOR" SHALL MEAN THE INDIVIDUAL OR ENTITY OR SUCH INDIVIDUAL  
16 OR ENTITY'S AGENT, ASSIGNEE, DESIGNEE OR SUCCESSOR IN INTEREST WHOSE  
17 APPLICATION FOR TREATMENT AS AN ELIGIBLE PROJECT HAS BEEN APPROVED BY  
18 THE CORPORATION.

19 5. EVERY APPLICATION SHALL BE IN A FORM ACCEPTABLE TO THE CORPORATION.  
20 THE APPLICANT SHALL PAY, UPON SUBMISSION OF THE APPLICATION, A FEE OF  
21 ONE THOUSAND DOLLARS. THE CORPORATION SHALL APPROVE OR DISAPPROVE, IN  
22 WHOLE OR IN PART, THE REQUESTED LOAN FOR THE ELIGIBLE PROJECT NO LATER  
23 THAN THIRTY DAYS FROM THE DATE OF THE RECEIPT OF THE APPLICATION OR AT  
24 THE NEXT BOARD MEETING OCCURRING WITHIN SIXTY DAYS OF THE DATE OF THE  
25 RECEIPT OF THE APPLICATION IF SUCH MEETING IS SCHEDULED FOR A DATE LATER  
26 THAN THIRTY DAYS FROM THE DATE OF RECEIPT OF SUCH APPLICATION. IN  
27 CONSIDERING THE APPLICATION, THE CORPORATION SHALL CONSIDER FACTORS  
28 AFFECTING THE CREDITWORTHINESS OF THE APPLICANT INCLUDING, BUT NOT  
29 LIMITED TO, THE APPLICANT'S BUSINESS PLAN, BUSINESS EXPERIENCE AND  
30 MANAGEMENT INFORMATION, CREDIT HISTORY AND FINANCIAL STATEMENTS, SUFFICIENCY  
31 OF COLLATERAL TO SECURE REPAYMENT OF THE LOAN, OTHER PERSONAL AND  
32 CORPORATE GUARANTEES ON THE PROJECT, CASH FLOW PROJECTIONS, AND THE  
33 STRUCTURE AND TIMING OF ANY PROPOSED LONG-TERM FINANCING BY THE APPLICANT,  
34 INCLUDING ANY FINANCING PURSUANT TO THE SELF-SUFFICIENCY PROGRAM  
35 IN SECTION 16-U OF THIS CHAPTER. TO THE EXTENT PERMITTED BY LAW, ALL  
36 INFORMATION REGARDING THE FINANCIAL CONDITION, MARKETING PLANS, MANUFACTURING  
37 PROCESSES, PRODUCTION COSTS, CUSTOMER LISTS, OR OTHER TRADE  
38 SECRETS OR PROPRIETARY INFORMATION DEEMED AS SUCH BY THE APPLICANT IN  
39 CONNECTION WITH THE APPLICATION SUBMITTED PURSUANT TO THIS SECTION,  
40 SHALL BE CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE.

41 6. (A) THE FUNDS OF THE CORPORATION DERIVED PURSUANT TO THIS SECTION  
42 MAY BE USED TO PROVIDE LOANS TO ELIGIBLE PROJECTS FOR ELIGIBLE PURPOSES.  
43 THE INTEREST RATE ON ANY SUCH LOAN FOR THE TERM OF SUCH LOAN SHALL BE  
44 NOT MORE THAN THE ALL-IN TRUE INTEREST COST TO THE CORPORATION, AS  
45 DETERMINED BY THE CORPORATION, FOR THE BONDS ISSUED PURSUANT TO SUBDIVISION  
46 NINE OF THIS SECTION. THE TERM OF ANY LOAN MADE PURSUANT TO THIS  
47 SECTION SHALL NOT EXCEED THREE YEARS. ALL LOANS SHALL BE SECURED BY A  
48 LIEN POSITION ON COLLATERAL AT THE HIGHEST LEVEL OF PRIORITY THAT CAN  
49 ACCOMMODATE THE BORROWER'S ABILITY TO RAISE SUFFICIENT DEBT AND EQUITY  
50 CAPITAL FOR THE PROJECT.

51 (B) THE SPONSOR, UPON NOTICE TO THE CORPORATION WITHIN THIRTY DAYS OF  
52 THE EXPIRATION OF THE TERM OF THE LOAN, MAY EXTEND AT ITS OPTION THE  
53 LOAN FOR A ONE-YEAR PERIOD IF THE SPONSOR IS IN COMPLIANCE WITH THE  
54 TERMS OF THE LOAN. THE SPONSOR SHALL BE LIMITED TO THREE ONE-YEAR EXTENSIONS.  
55 ANY SUCH EXTENSION SHALL CONTINUE TO BE SECURED IN ACCORDANCE  
56 WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, AND THE INTER-

1 EST RATE ON SUCH EXTENSION SHALL BE CALCULATED IN THE SAME WAY AS THE  
2 ORIGINAL LOAN.

3 (C) THE CORPORATION SHALL, UPON THE REQUEST OF THE SPONSOR, ESTABLISH  
4 A SPECIAL ACCOUNT FOR SUCH SPONSOR WITHIN THE FUND. SUCH ACCOUNT SHALL  
5 CONSIST OF THAT PORTION, AS REQUESTED BY THE SPONSOR, OF ANY PROCEEDS OF  
6 BONDS ISSUED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, ALL PAYMENTS  
7 OF PRINCIPAL ON LOANS MADE FROM THE FUND OR SPECIAL ACCOUNT BY THE  
8 APPLICABLE SPONSOR, AND ANY INTEREST EARNINGS THAT MAY ACCRUE FROM THE  
9 INVESTMENT OR REINVESTMENT OF MONEYS FROM THE SPECIAL ACCOUNT. NOTWITH-  
10 STANDING PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, THE CORPORATION  
11 SHALL PROVIDE ONE-YEAR EXTENSIONS ON THE ORIGINAL LOAN TO THE APPLICABLE  
12 SPONSOR, PROVIDED THAT THE SPONSOR IS IN COMPLIANCE WITH THE TERMS OF  
13 THE LOAN, FROM THE SPECIAL ACCOUNT UNTIL TEN YEARS FROM THE DATE OF  
14 COMMENCEMENT OF THE INITIAL LOAN, AT THE INTEREST RATE OF SUCH INITIAL  
15 LOAN, PROVIDED THAT SUFFICIENT MONEYS ARE ON DEPOSIT IN SUCH SPECIAL  
16 ACCOUNT. ALL LOANS SHALL BE SECURED BY A LIEN POSITION ON COLLATERAL AT  
17 THE HIGHEST LEVEL OF PRIORITY THAT CAN ACCOMMODATE THE BORROWER'S ABILI-  
18 TY TO RAISE SUFFICIENT DEBT AND EQUITY CAPITAL FOR THE PROJECT. THE  
19 AMOUNTS DEPOSITED IN SUCH SPECIAL ACCOUNT MAY NOT BE INTERCHANGED OR  
20 COMMINGLED WITH ANY OTHER ACCOUNT IN THE FUND. ANY REMAINING MONIES IN A  
21 SPECIAL ACCOUNT AT THE END OF THE TERM OF THE FINAL LOAN MADE HEREUNDER  
22 SHALL BE TRANSFERRED TO THE GENERAL ACCOUNTS OF THE CORPORATION CONSIST-  
23 ENT WITH APPLICABLE LAW.

24 7. IN CONNECTION WITH THE UNDERTAKING OF AN ELIGIBLE PROJECT BY THE  
25 CORPORATION, THE SPONSOR SHALL PAY TO THE CORPORATION, AT THE CLOSING OF  
26 EACH LOAN FINANCING BY THE CORPORATION, A CLOSING FEE EQUAL TO THE SPON-  
27 SOR'S ALLOCABLE SHARE OF THE COSTS OF ISSUANCE OF THE BONDS ISSUED  
28 PURSUANT TO SUBDIVISION NINE OF THIS SECTION, PROVIDED HOWEVER THAT SUCH  
29 FEE SHALL NOT EXCEED ONE PERCENT OF THE LOAN AMOUNT. THE ALLOCABLE SHARE  
30 SHALL BE A RATIO, THE NUMERATOR OF WHICH SHALL BE THE PRINCIPAL AMOUNT  
31 OF THE SPONSOR'S LOAN, AND THE DENOMINATOR OF WHICH SHALL BE THE NET  
32 PROCEEDS OF BONDS ISSUED PURSUANT TO SUBDIVISION NINE OF THIS SECTION.  
33 THE APPLICATION FEE PAID PURSUANT TO SUBDIVISION FIVE OF THIS SECTION  
34 SHALL BE CREDITED AGAINST SUCH CLOSING FEE.

35 8. THE CORPORATION SHALL ANNUALLY REPORT, BEGINNING ON OR BEFORE MARCH  
36 15, 2010 AND ON OR BEFORE EACH SUBSEQUENT MARCH 15, TO THE GOVERNOR, THE  
37 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS  
38 AND MEANS COMMITTEE, DESCRIBING THE ACTIVITIES AND OPERATION OF THE LOAN  
39 PROGRAM AUTHORIZED BY THIS SECTION. SUCH REPORTS SHALL SET FORTH THE  
40 NUMBER OF LOAN APPLICATIONS RECEIVED AND APPROVED; THE NAMES OF SPONSORS  
41 RECEIVING LOANS TOGETHER WITH THE AMOUNT AND PURPOSE OF THE LOAN AND THE  
42 OUTSTANDING BALANCE; THE NUMBER OF JOBS CREATED AND/OR RETAINED; AND THE  
43 BALANCE REMAINING IN THE EMPIRE REVOLVING BRIDGE LOAN FUND, ALONG WITH  
44 FUND REVENUES AND EXPENDITURES FOR THE PREVIOUS FISCAL YEAR, AND  
45 PROJECTED REVENUES AND EXPENDITURES FOR THE CURRENT AND FOLLOWING FISCAL  
46 YEARS.

47 9. PURSUANT TO ARTICLE 5-C OF THE STATE FINANCE LAW, BUT NOTWITHSTAND-  
48 ING ANY PROVISIONS OF LAW TO THE CONTRARY, THE NEW YORK STATE URBAN  
49 DEVELOPMENT CORPORATION IS HEREBY AUTHORIZED TO ISSUE BONDS, NOTES AND  
50 OTHER OBLIGATIONS IN ONE OR MORE SERIES, AT ANY TIME AND FROM TIME TO  
51 TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THE AMOUNT NECES-  
52 SARY TO PROVIDE NET PROCEEDS OF NO GREATER THAN FIVE HUNDRED MILLION  
53 DOLLARS FOR THE PURPOSE OF ESTABLISHING THE FUND CREATED PURSUANT TO  
54 THIS SECTION. THE AGGREGATE AMOUNT OF BONDS, NOTES OR OTHER OBLIGATIONS  
55 AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL EXCLUDE BONDS,  
56 NOTES OR OTHER OBLIGATIONS ISSUED TO REFUND OR OTHERWISE REPAY BONDS,

1 NOTES OR OTHER OBLIGATIONS THERETOFORE ISSUED; PROVIDED, HOWEVER, THAT  
2 UPON ANY SUCH REFUNDING OR REPAYMENT THE TOTAL AGGREGATE PRINCIPAL  
3 AMOUNT OF OUTSTANDING BONDS, NOTES OR OTHER OBLIGATIONS MAY BE GREATER  
4 THAN FIVE HUNDRED MILLION DOLLARS, ONLY IF THE PRESENT VALUE OF THE  
5 AGGREGATE DEBT SERVICE OF THE REFUNDING OR REPAYMENT BONDS, NOTES OR  
6 OTHER OBLIGATIONS SHALL NOT EXCEED THE PRESENT VALUE OF THE AGGREGATE  
7 DEBT SERVICE OF THE BONDS, NOTES OR OTHER OBLIGATIONS SO REFUNDED OR  
8 REPAYED. FOR THE PURPOSES HEREOF, THE PRESENT VALUE OF THE AGGREGATE DEBT  
9 SERVICE OF THE REFUNDING OR REPAYMENT BONDS, NOTES OR OTHER OBLIGATIONS  
10 SO REFUNDED OR REPAYED, SHALL BE CALCULATED BY UTILIZING THE EFFECTIVE  
11 INTEREST RATE OF THE REFUNDING OR REPAYMENT BONDS, NOTES OR OTHER OBLI-  
12 GATIONS, WHICH SHALL BE THAT RATE ARRIVED AT BY DOUBLING THE SEMI-ANNUAL  
13 INTEREST RATE (COMPOUNDED SEMI-ANNUALLY) NECESSARY TO DISCOUNT THE DEBT  
14 SERVICE PAYMENTS ON THE REFUNDING OR REPAYMENT BONDS, NOTES OR OTHER  
15 OBLIGATIONS FROM THE PAYMENT DATES THEREOF TO THE DATE OF ISSUE OF THE  
16 REFUNDING OR REPAYMENT BONDS, NOTES OR OTHER OBLIGATIONS AND TO THE  
17 PRICE BID INCLUDING ESTIMATED ACCRUED INTEREST OR PROCEEDS RECEIVED BY  
18 THE CORPORATION INCLUDING ESTIMATED ACCRUED INTEREST FROM THE SALE THER-  
19 EOF.

20 S 2. Section 2 of chapter 393 of the laws of 1994, amending the New  
21 York state urban development corporation act relating to the powers of  
22 the New York state urban development corporation to make loans, as  
23 amended by section 1 of part W of chapter 59 of the laws of 2008, is  
24 amended to read as follows:

25 S 2. This act shall take effect immediately provided, however, that  
26 section one of this act shall expire on July 1, [2009] 2010, at which  
27 time the provisions of subdivision 26 of section 5 of the New York state  
28 urban development corporation act shall be deemed repealed; provided,  
29 however, that neither the expiration nor the repeal of such subdivision  
30 as provided for herein shall be deemed to affect or impair in any manner  
31 any loan made pursuant to the authority of such subdivision prior to  
32 such expiration and repeal.

33 S 3. This act shall take effect immediately.