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

7157--A

I N S E N A T E

March 17, 2010

Introduced by Sens. HANNON, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the public authorities law, in relation to payments in lieu of taxes

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

Section 1. The general municipal law is amended by adding a new section 859-c to read as follows:

S 859-C. PAYMENT IN LIEU OF TAXES REQUIRE CERTAIN SIGNATURE. PRIOR TO THE GRANT OF ANY APPLICATION AND/OR THE EFFECTIVENESS OF ANY SUCH GRANT FOR A PAYMENT IN LIEU OF TAXES (PILOT) BY THE AGENCY OR ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED MUNICIPAL TAX JURISDICTION SHALL BE REQUIRED.

1. THE AGENCY SHALL OBTAIN THE APPROVAL, BY SUPER-MAJORITY, OF THE LOCAL ELECTED BOARD OF TRUSTEES OR OTHER ELECTED BODY BEFORE ANY PILOT AGREEMENT CAN BE GRANTED IN AN INCORPORATED AREA, CITY OR TOWN.

2. THE AGENCY SHALL OBTAIN A VILLAGE SPECIFIC, TOWN SPECIFIC, OR CITY SPECIFIC IMPACT ANALYSIS TO DETERMINE THE IMPACT OF THE PLANNED PILOT ON THE TAX BASE OF TAXING BODIES IN THE COMMUNITY WHERE THE PILOT WILL BE LOCATED.

3. THE DEVELOPER SHALL BEAR ALL COST RELATED TO THE REQUIRED IMPACT STUDY.

4. THE LOCAL MUNICIPALITY AND THE AGENCY SHALL JOINTLY SELECT THE ORGANIZATION ASSIGNED TO DO THE IMPACT ANALYSIS.

5. THE AGENCY'S BOARD OF DIRECTORS SHALL CONSIST OF REPRESENTATIVES FROM EACH OF THE FOLLOWING ENTITIES:

(A) COUNTY;

(B) TOWN;

(C) CITY;

(D) VILLAGE; AND

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

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(E) AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE COMMUNITY.

6. AFTER THE FIRST THREE YEARS THE ANNUAL TAX COST OF ALL PILOTS SHALL BE INCREASED ANNUALLY BY THE SAME RATE AS ALL OTHER REAL PROPERTIES.

7. PILOTS CANNOT NOT BE RENEWED OR RENEGOTIATED WITHOUT A FULL FORENSIC AUDIT OF THE ACCOUNTS OF THE ENTITY.

S 2. The public authorities law is amended by adding a new section 2858 to read as follows:

S 2858. PAYMENT IN LIEU OF TAXES REQUIRE CERTAIN SIGNATURE. PRIOR TO THE GRANT OF ANY APPLICATION AND/OR THE EFFECTIVENESS OF ANY SUCH GRANT FOR A PAYMENT IN LIEU OF TAXES (PILOT) BY AN INDUSTRIAL DEVELOPMENT AGENCY OR ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED MUNICIPAL TAX JURISDICTION SHALL BE REQUIRED.

1. THE INDUSTRIAL DEVELOPMENT AGENCY OR ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY SHALL OBTAIN THE APPROVAL, BY SUPER-MAJORITY, OF THE LOCAL ELECTED BOARD OF TRUSTEES OR OTHER ELECTED BODY BEFORE ANY PILOT AGREEMENT CAN BE GRANTED IN AN INCORPORATED AREA, CITY OR TOWN.

2. THE INDUSTRIAL DEVELOPMENT AGENCY OR ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY SHALL OBTAIN A VILLAGE SPECIFIC, TOWN SPECIFIC, OR CITY SPECIFIC IMPACT ANALYSIS TO DETERMINE THE IMPACT OF THE PLANNED PILOT ON THE TAX BASE OF THE TAXING BODIES IN THE COMMUNITY WHERE THE PILOT WILL BE LOCATED.

3. THE DEVELOPER SHALL BEAR ALL COST RELATED TO THE REQUIRED IMPACT STUDY.

4. THE LOCAL MUNICIPALITY AND THE INDUSTRIAL DEVELOPMENT AGENCY OR ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY SHALL JOINTLY SELECT THE ORGANIZATION ASSIGNED TO DO THE IMPACT ANALYSIS.

5. THE INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS OR THE BOARD OF ANY OTHER SUCH AGENCY THAT AFFECTS A MUNICIPALITY SHALL CONSIST OF REPRESENTATIVES FROM EACH OF THE FOLLOWING ENTITIES:

(A) COUNTY;

(B) TOWN;

(C) CITY;

(D) VILLAGE; AND

(E) AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE COMMUNITY.

6. AFTER THE FIRST THREE YEARS THE ANNUAL TAX COST OF ALL PILOTS MUST BE INCREASED ANNUALLY BY THE SAME RATE AS ALL OTHER REAL PROPERTIES.

7. PILOTS CANNOT NOT BE RENEWED OR RENEGOTIATED WITHOUT A FULL FORENSIC AUDIT OF THE ACCOUNTS OF THE ENTITY.

S 3. This act shall take effect immediately.