

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

7157--B

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. The opening paragraph of section 905 of the general municipal law is designated subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as follows:
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4 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE VILLAGE COMMUNITY.
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21 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN SUCH VILLAGES.
26

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

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

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

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

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

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

54 S 3. This act shall take effect immediately.