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

8339

I N S E N A T E

June 24, 2010

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to the powers and duties of the dormitory authority; and to amend the New York state medical care facilities finance agency act, in relation to equipment loans for intellectual property

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

Section 1. Subdivision 2 of section 1676 of the public authorities law is amended by adding a new paragraph (h) to read as follows:

(H) IT SHALL ALSO INCLUDE EQUIPMENT, INTELLECTUAL PROPERTY OR OTHER INTANGIBLE PROPERTY, INCLUDING INFORMATION TECHNOLOGY AND SOFTWARE, ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE UNITED STATES INTERNAL REVENUE CODE.

S 2. Subdivision 18 of section 3 of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by chapter 363 of the laws of 1998, and the second undesignated paragraph as separately amended by section 11 of part D of chapter 389 of the laws of 1997, is amended to read as follows:

18. "Equipment loan" shall mean a loan made by the agency to a non-profit hospital corporation, a county hospital, a municipal hospital, a New York state department of health facility, a state university of New York health care facility or a non-profit corporation providing a residential health care facility, for the purpose of financing or refinancing the acquisition through purchase or lease of equipment, including construction and rehabilitation related to the installation of such equipment, AND SHALL ALSO INCLUDE INTELLECTUAL PROPERTY OR OTHER INTANGIBLE PROPERTY, INCLUDING INFORMATION TECHNOLOGY AND SOFTWARE, THAT IS ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE UNITED STATES INTERNAL REVENUE CODE.

The term "equipment loan" shall also mean the financing of equipment acquisitions by the purchase, lease or sublease of equipment by the agency and the lease or sublease of such equipment to a non-profit

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

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hospital corporation, a county hospital, a municipal hospital, a hospital under the jurisdiction of the state university of New York, or a non-profit corporation providing a residential health care facility for the purpose of providing for the acquisition of such equipment and for the construction and rehabilitation related to the installation thereof AND SHALL ALSO INCLUDE INTELLECTUAL PROPERTY OR OTHER INTANGIBLE PROPERTY, INCLUDING INFORMATION TECHNOLOGY AND SOFTWARE, THAT IS ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE UNITED STATES INTERNAL REVENUE CODE.

S 3. Subdivision 1 of section 5-b of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by chapter 363 of the laws of 1998, is amended to read as follows:

1. The agency may make an equipment loan to a non-profit hospital corporation, a county hospital, a municipal hospital, a New York state department of health facility, a state university of New York health care facility or a non-profit corporation providing a residential health care facility, upon terms and conditions not inconsistent with article twenty-eight of the public health law and this section. The proceeds of such loan are to be used substantially to finance the acquisition through purchase or lease of equipment including construction and rehabilitation related to the installation of such equipment OR THE ACQUISITION OF INTELLECTUAL PROPERTY OR OTHER INTANGIBLE PROPERTY, INCLUDING INFORMATION TECHNOLOGY AND SOFTWARE, THAT IS ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE UNITED STATES INTERNAL REVENUE CODE.

S 4. Subdivision 1 of section 1679-b of the public authorities law, as added by chapter 516 of the laws of 1997, is amended to read as follows:

1. The dormitory authority may make an equipment loan to any private entity for the benefit of which the dormitory authority is authorized to issue bonds or other obligations of the dormitory authority. The proceeds of such a loan are to be used substantially to finance the acquisition through purchase or lease of equipment including construction and rehabilitation related to the installation of such equipment OR THE ACQUISITION OF INTELLECTUAL PROPERTY OR OTHER INTANGIBLE PROPERTY, INCLUDING INFORMATION TECHNOLOGY AND SOFTWARE, THAT IS ELIGIBLE FOR TAX-EXEMPT FINANCING UNDER THE UNITED STATES INTERNAL REVENUE CODE. The dormitory authority may make an equipment loan by the purchase, lease or sublease of equipment by the dormitory authority and the lease or sublease of such equipment to any such private entity for the purpose of providing for the acquisition of such equipment and the construction and rehabilitation related to the installation thereof OR PURSUANT TO AN INSTALLMENT PURCHASE AGREEMENT.

S 5. This act shall take effect immediately.