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

2200

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. MORELLE, CANESTRARI, MILLMAN, SWEENEY -- Multi-Sponsored by -- M. of A. GOTTFRIED, TOWNS, WEINSTEIN -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the economic development law, in relation to contracts of the New York state economic development power allocation board; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and determinations, and statement of purposes. The legislature hereby finds, determines and declares:

(a) that cultural institutions in the state promote public interest in and knowledge of the arts and other cultural activities; attract artists and others with creative talents who live in proximity to and perform work related to such institutions; and otherwise vitally contribute to educational, recreational and cultural activities and opportunities of benefit to the people of the state; and that such institutions provide a wealth of specialized educational and cultural activities designed for, among others, students, minority and ethnic populations, senior citizens, the unemployed, consumers and citizens interested in the performing arts; and that it is the sense of the legislature that the contributions of such institutions to the people of New York state have been exceptional;

(b) that such institutions are essential to the existence of cultural centers in the state, contribute to the continued existence and growth in the state of industries related to the arts and other cultural activities, attract residents of and visitors to the state, including patrons of the arts, generate substantial tax and other revenues in and for the state, and otherwise vitally contribute to the economy and tax base of the state;

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

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(c) that recognizing the importance of and public purpose served by such institutions, the state has appropriated and expended substantial funds for and has otherwise supported and assisted such institutions; and

(d) that it is appropriate public policy and fully in the interests of the people of the state to take steps as may be necessary to further preserve and enhance the contributions of such cultural institutions in New York.

S 2. The economic development law is amended by adding a new section 189-a to read as follows:

S 189-A. NEW YORK STATE ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD CONTRACTS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE BOARD IS AUTHORIZED TO ALLOCATE ANY POWER AVAILABLE UNDER THE ECONOMIC DEVELOPMENT PROGRAM, THE POWER FOR JOBS PROGRAM, OR ANY OTHER PROGRAM TO ELIGIBLE CULTURAL INSTITUTIONS, FOR CONTRACTS TO BE ENTERED INTO PRIOR TO JULY FIRST, TWO THOUSAND TWELVE, WHICH CONTRACTS MAY EXPIRE NOT LATER THAN JUNE THIRTIETH, TWO THOUSAND THIRTEEN. FOR THIS PURPOSE, THE POWER AUTHORITY OF THE STATE OF NEW YORK IS AUTHORIZED TO PROVIDE ANY POWER AVAILABLE FROM ANY SOURCE AND UNDER ANY PROGRAM, INCLUDING, WITHOUT LIMITATION, ANY NEW TECHNOLOGY DEMONSTRATION PROJECT OR THE POWER FOR JOBS PROGRAM; PROVIDED, HOWEVER, THAT IN CONSIDERING ANY SUCH ALLOCATION, NO CUSTOMER SHALL BE DENIED SUCH ALLOCATION ON THE BASIS THAT SUCH CUSTOMER OR SUCH ELIGIBLE CULTURAL INSTITUTION IS UNABLE TO MAKE COMMITMENTS AS TO THE NUMBER OF JOBS TO BE CREATED OR MAINTAINED BY SUCH ALLOCATION. FOR THE PURPOSES OF THIS SECTION:

(A) THE TERM "ELIGIBLE CULTURAL INSTITUTION" SHALL MEAN A BUILDING OR A SECTION OF A BUILDING, OR SUCH OUTDOOR SPACE INCLUDED IN THIS SUBDIVISION, OCCUPIED OR UTILIZED BY A NON-PROFIT ARTS OR CULTURAL ORGANIZATION, THE PURPOSES FOR WHICH MAY INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: PROVIDING SUPPORTIVE SPACE FOR LIVING EXHIBITS, MUSEUM SPACE, PERFORMANCE ART SPACE, VISUAL OR AUDIO STUDIO SPACE, ADMINISTRATIVE OFFICE SPACE OR ANY AND ALL RECREATIONAL, EDUCATIONAL, CULTURAL, REHEARSAL, PARKING, RESTAURANT, RETAIL, STORAGE AND OTHER SPACE NECESSARY FOR EXPOSING THE PUBLIC TO ARTS AND CULTURAL EXHIBITS OR PERFORMANCES; AND

(B) THE TERM "CUSTOMER" SHALL MEAN THE PERSON BILLED BY THE ELECTRICAL UTILITY FOR ELECTRIC POWER CONSUMED IN CONNECTION WITH CULTURAL ACTIVITIES OCCURRING IN AN ELIGIBLE CULTURAL INSTITUTION.

S 3. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2012; provided, however, that any contract entered into under the authority of this act may continue until June 30, 2013.