

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:

- 1 Section 1. The general municipal law is amended by adding a new
2 section 859-c to read as follows:
3 S 859-C. PAYMENT IN LIEU OF TAXES REQUIRE CERTAIN SIGNATURE. PRIOR TO
4 THE GRANT OF ANY APPLICATION AND/OR THE EFFECTIVENESS OF ANY SUCH GRANT
5 FOR A PAYMENT IN LIEU OF TAXES (PILOT) BY THE AGENCY OR ANY OTHER SUCH
6 AGENCY THAT AFFECTS A MUNICIPALITY, THE WRITTEN CONSENT OF THE CHIEF
7 EXECUTIVE OFFICER OF THE AFFECTED MUNICIPAL TAX JURISDICTION SHALL BE
8 REQUIRED.
9 1. THE AGENCY SHALL OBTAIN THE APPROVAL, BY SUPER-MAJORITY, OF THE
10 LOCAL ELECTED BOARD OF TRUSTEES OR OTHER ELECTED BODY BEFORE ANY PILOT
11 AGREEMENT CAN BE GRANTED IN AN INCORPORATED AREA, CITY OR TOWN.
12 2. THE AGENCY SHALL OBTAIN A VILLAGE SPECIFIC, TOWN SPECIFIC, OR CITY
13 SPECIFIC IMPACT ANALYSIS TO DETERMINE THE IMPACT OF THE PLANNED PILOT ON
14 THE TAX BASE OF TAXING BODIES IN THE COMMUNITY WHERE THE PILOT WILL BE
15 LOCATED.
16 3. THE DEVELOPER SHALL BEAR ALL COST RELATED TO THE REQUIRED IMPACT
17 STUDY.
18 4. THE LOCAL MUNICIPALITY AND THE AGENCY SHALL JOINTLY SELECT THE
19 ORGANIZATION ASSIGNED TO DO THE IMPACT ANALYSIS.
20 5. THE AGENCY'S BOARD OF DIRECTORS SHALL CONSIST OF REPRESENTATIVES
21 FROM EACH OF THE FOLLOWING ENTITIES:
22 (A) COUNTY;
23 (B) TOWN;
24 (C) CITY;
25 (D) VILLAGE; AND

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

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

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

5 7. PILOTS CANNOT NOT BE RENEWED OR RENEGOTIATED WITHOUT A FULL FOREN-
6 SIC AUDIT OF THE ACCOUNTS OF THE ENTITY.

7 S 2. The public authorities law is amended by adding a new section
8 2858 to read as follows:

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

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

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

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

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

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

32 (A) COUNTY;

33 (B) TOWN;

34 (C) CITY;

35 (D) VILLAGE; AND

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

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

40 7. PILOTS CANNOT NOT BE RENEWED OR RENEGOTIATED WITHOUT A FULL FOREN-
41 SIC AUDIT OF THE ACCOUNTS OF THE ENTITY.

42 S 3. This act shall take effect immediately.