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

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I N S E N A T E

March 30, 2010

Introduced by Sen. C. JOHNSON -- (at request of the Office of General Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public buildings law, in relation to authorizing lease-purchase of real property for a term of up to thirty years; and to amend chapter 95 of the laws of 2000, amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, in relation to making permanent the authority to enter into leases for a term of up to fifteen years

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

Section 1. Subdivision 12 of section 3 of the public buildings law, as amended by section 47 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, except that, the commissioner of general services may enter into leases for a term not exceeding fifteen years when, in the judgment of such commissioner, such longer term is in the best interests of the state. Any such lease may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises,

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

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now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of such commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed. Notwithstanding any other provision of law to the contrary, if bonds or notes are issued pursuant to section sixteen hundred eighty-n of the public authorities law for the purpose of acquiring a building or other facility previously financed by a lease or lease-purchase obligation as authorized herein, the state agency which is the tenant in occupancy shall be authorized to remit tax payments or payments in lieu [of] thereof to the appropriate taxing authority in a manner consistent with the process and term established under the original lease or lease-purchase for the subject property for a period coincident with the term of the lease as established at the commencement of the term thereof. The state may undertake a certiorari review of assessments that may be imposed from time to time. TO PROVIDE FOR SPACE REQUIREMENTS OF STATE DEPARTMENTS, AGENCIES AND OFFICES PURSUANT TO THIS SECTION, THE COMMISSIONER OF GENERAL SERVICES MAY CONTRACT FOR THE LEASE-PURCHASE OF REAL PROPERTY, ON TERMS AND CONDITIONS DEEMED BY HIM OR HER TO BE MOST ADVANTAGEOUS TO THE STATE, SUBJECT TO THE APPROVAL THEREOF BY THE DIRECTOR OF THE BUDGET. THE LEASE TERM FOR ANY SUCH ACQUISITION MAY BE A PERIOD NOT EXCEEDING THIRTY YEARS, AND THE TITLE TO ANY REAL PROPERTY TO BE ACQUIRED BY LEASE-PURCHASE SHALL BE APPROVED BY THE ATTORNEY GENERAL.

S 2. Subdivision 4 of section 27 of chapter 95 of the laws of 2000, amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, as amended by section 1 of part J of chapter 56 of the laws of 2005, is amended to read as follows:

4. Section seventeen of this act shall take effect July 1, 2000[, and shall expire on June 30, 2010; provided, however, that any lease entered into for a term greater than ten years during the effective period of this section shall continue in full force and effect, and provided that upon the expiration of such section the commissioner of general services shall continue to be empowered to enter into leases having terms not exceeding ten years].

S 3. This act shall take effect immediately.