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I N   A S S E M B L Y

June 15, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hooper) --  
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to payments in lieu of taxes for projects approved by 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:
- 2     2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "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.
- 3     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. THE AGENCY SHALL PROVIDE A WRITTEN REPORT TO THE VILLAGE

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

LBD16291-01-2

1 OF FREEPORT AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARI-  
2 ANCES OR CHANGES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY  
3 SUCH PILOT AGREEMENT.

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

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

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

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

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

56 S 3. This act shall take effect immediately.