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

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2011-2012 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. MORELLE, CANESTRARI, PEOPLES-STOKES, NOLAN, GALEF, HOYT, ORTIZ, ABBATE, CYMBROWITZ, GABRYSZAK -- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, DESTITO, O'DONNELL, PHEFFER, ROBINSON, TOWNS, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to creating the New York state cultural development areas program

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

Section 1. This act shall be known and may be cited as the "New York state cultural development areas program act".

S 2. The arts and cultural affairs law is amended by adding a new article 6 to read as follows:

ARTICLE 6

NEW YORK STATE CULTURAL DEVELOPMENT AREAS PROGRAM

SECTION 6.01. CULTURAL DEVELOPMENT AREAS PROGRAM; CREATION.
6.02. LEGISLATIVE INTENT.
6.03. DEFINITIONS.
6.04. DESIGNATION OF CULTURAL DEVELOPMENT AREA.
6.05. CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION.
6.06. DESIGNATION OF CULTURAL ASSETS.
6.07. CRITERIA FOR DESIGNATION OF A CULTURAL ASSET.
6.08. RESPONSIBILITIES OF THE COMMISSIONER.
6.09. NEW YORK STATE CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL.
6.10. NEW YORK STATE CULTURAL DEVELOPMENT AREAS EVALUATION.
6.11. SPECIAL PROVISIONS RELATING TO CULTURAL DEVELOPMENT AREAS.
6.12. DIVISION OF TAXES BY GOVERNMENTAL BODIES.
6.13. CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS.
6.14. APPROVAL OF CULTURAL DEVELOPMENT AREAS.
6.15. LOCAL ADMINISTRATION OF CULTURAL DEVELOPMENT AREAS.

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

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6.16. DISPOSITION OF PROPERTY.
6.17. TERMINATION OR REVISION OF A CULTURAL DEVELOPMENT AREA.
6.18. RESCINDING OF LOCAL INCENTIVES.

S 6.01. CULTURAL DEVELOPMENT AREAS PROGRAM; CREATION. THE NEW YORK STATE CULTURAL DEVELOPMENT AREAS PROGRAM IS HEREBY CREATED AND DECLARED TO BE IN EVERY SENSE IN THE INTERESTS OF THE PEOPLE OF THE STATE AND AN APPROPRIATE PUBLIC PURPOSE TO PROVIDE FOR THE DEVELOPMENT AND SUPPORT OF ARTS AND CULTURAL INSTITUTIONS AND THE PRESERVATION OF CULTURAL HERITAGE, INCLUDING THE DEVELOPMENT AND SUPPORT OF ANCILLARY ORGANIZATIONS AND INFRASTRUCTURE AS MAY BE REQUIRED OR DESIRABLE FOR SUCH PURPOSE, AND THE CREATION OF JOBS AND THE ENCOURAGEMENT OF ECONOMIC DEVELOPMENT.

S 6.02. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS, DETERMINES AND DECLARES THAT ARTS AND CULTURAL INSTITUTIONS IN NEW YORK NOT ONLY PROVIDE EDUCATIONAL, CULTURAL, AND SPIRITUAL OPPORTUNITIES AND PRESERVATION OF HERITAGE TO THE PEOPLE OF THIS STATE, BUT ALSO CONTRIBUTE TO THE ECONOMY, PROSPERITY, OPPORTUNITY, EDUCATION, AND QUALITY OF LIFE OF ALL RESIDENTS OF NEW YORK; AND THAT THE IMPORTANT PUBLIC PURPOSE SERVED BY SUCH INSTITUTIONS HAS BEEN RECOGNIZED BY THE STATE AND LOCAL GOVERNMENTS, WHICH HAVE APPROPRIATED AND EXPENDED SUBSTANTIAL FUNDS FOR AND OTHERWISE SUPPORTED AND ASSISTED SUCH INSTITUTIONS; AND THAT IT IS IN EVERY WAY AN 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 ARTS AND CULTURAL INSTITUTIONS IN NEW YORK.

THE LEGISLATURE FINDS THAT THREE DECADES OF REPUTABLE STUDIES HAVE SHOWN THAT THE DEVELOPMENT AND OPERATIONS OF ARTS AND CULTURAL INSTITUTIONS ARE AN IMPORTANT ECONOMIC DEVELOPMENT TOOL, LEADING TO OR CONTRIBUTING TO THE EXISTENCE AND GROWTH WITHIN THE STATE AND WITHIN THE REGIONS AND NEIGHBORHOODS IN WHICH THEY ARE LOCATED OF ADDITIONAL RELATED AND ANCILLARY INDUSTRIES AND ENTERPRISES, GENERATING SUBSTANTIAL EMPLOYMENT, IMPROVING PROPERTY VALUES, PRODUCING SIGNIFICANT TAX AND OTHER REVENUES DIRECTLY AND INDIRECTLY IN AND FOR THE STATE AND LOCAL GOVERNMENT, AND OTHERWISE VITALLY CONTRIBUTING TO THE ECONOMY AND TAX BASE OF THE STATE.

THE LEGISLATURE FINDS AND DECLARES THAT AN IMPORTANT PUBLIC PURPOSE IS SERVED AND THE INTERESTS OF THE PEOPLE OF THE STATE ARE PROMOTED BY A POLICY THAT SUPPORTS THE CULTURAL AND EDUCATIONAL MISSION OF ARTS AND CULTURAL INSTITUTIONS WHILE ENHANCING THE ECONOMIC, JOB-CREATING POTENTIAL OF SUCH INSTITUTIONS IN A SYSTEMATIC AND APPROPRIATE MANNER; AND FURTHER DECLARES THAT SUCH A POLICY MUST AT A MINIMUM RECOGNIZE THE NEEDS OF SUCH INSTITUTIONS FOR SPACE AND FACILITIES (INCLUDING EQUIPMENT, FURNISHINGS, AND INSTALLATIONS) TO ASSURE THEIR CONTINUED EXISTENCE, PROPER OPERATION, AND GROWTH; ALLOW PRESERVATION AND EXPANSION OF THE COLLECTIONS, ENDOWMENTS AND OTHER CAPITAL ASSETS OF SUCH INSTITUTIONS; AND BE IMPLEMENTED IN A MANNER THAT HAS A POSITIVE EFFECT ON THE ECONOMY, AND ON THE TAX BASE OF THE STATE AND ITS LOCALITIES; AND PROVIDES FOR AND ENCOURAGES THE FLOW-THROUGH OF BENEFITS TO SURROUNDING NEIGHBORHOODS AND REGIONS BY STIMULATING FURTHER SPIN-OFF DEVELOPMENT AND DIRECT INVESTMENT IN SUCH AREAS, IN SUCH FORMS AS DEVELOPMENT OF HOUSING, COMMERCIAL AND RELATED FACILITIES AND DEVELOPMENT COMPATIBLE WITH AND COMPLEMENTARY TO SUCH INSTITUTIONS, NEIGHBORHOODS, AND REGIONS.

THE LEGISLATURE THEREFORE FINDS, DETERMINES AND DECLARES THAT A PUBLIC PURPOSE WILL BE SERVED AND THE INTERESTS OF THE PEOPLE OF THE STATE PROMOTED BY THE CREATION PURSUANT TO THIS ARTICLE OF CULTURAL DEVELOPMENT AREAS, TO PROVIDE FOR THE DEVELOPMENT, MAINTENANCE, AND SUPPORT OF ARTS AND CULTURAL INSTITUTIONS AND TO ENHANCE THE ECONOMIC, JOB-CREATING

POTENTIAL OF SUCH INSTITUTIONS IN A SYSTEMATIC AND APPROPRIATE MANNER IN ACCORDANCE WITH THIS ARTICLE, WHICH INCLUDE THE GRANT OF THE POWERS, RIGHTS AND DUTIES PROVIDED HEREIN AND INCLUDING THE DELEGATION OF PART OF THE SOVEREIGN POWER OF THE STATE; AND THAT THE CREATION OF THIS PROGRAM, THE EXERCISE OF SUCH POWERS AND RIGHTS, THE PERFORMANCE OF SUCH DUTIES, AND THE CARRYING OUT OF THE PURPOSES OF THE PROGRAM ARE IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE AND ARE AND WILL SERVE A PUBLIC PURPOSE AND WILL BE AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION.

S 6.03. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "APPLICANT" IS THE LOCAL GOVERNMENT IN PARTNERSHIP WITH ONE OR MORE ARTS CORPORATIONS WHICH HAS DESIGNATED A CULTURAL DEVELOPMENT AREA PURSUANT TO LOCAL LAW, AS REQUIRED IN THIS ARTICLE, AND WHICH HAS SUBMITTED THE DESIGNATION TO THE COMMISSIONER FOR APPROVAL.

2. "ANCILLARY BUSINESSES AND SERVICES" MEANS AND INCLUDES REHEARSAL SPACE, PARKING, PARKS OR OTHER GREEN SPACE, RESTAURANT, BOUTIQUE, LIGHT COMMERCIAL, OFFICE, HOUSING, WAREHOUSING, HOTEL OR MOTEL, OR ANY OTHER BUSINESS OR SERVICE SHOWN IN THE APPLICANT'S DEVELOPMENT PLAN TO BE DIRECTLY RELATED TO, BENEFITED BY, OR CAPABLE OF ENHANCING THE CONTINUATION OR ENHANCEMENT OF ONE OR MORE ARTS CORPORATIONS WITHIN THE CULTURAL DEVELOPMENT AREA, AND WHICH WILL THEREFORE ADD TO THE CAPACITY OF SUCH CULTURAL DEVELOPMENT AREA TO PROVIDE A POSITIVE IMPACT IN THE FORM OF DIRECT, INDIRECT, AND INDUCED REVENUES TO THE LOCAL ECONOMY, SHORT-TERM AND LONG-TERM JOB CREATION, AND TO STATE AND LOCAL TAX REVENUES.

3. "CULTURAL DEVELOPMENT AREA" OR "CDA" IS AN AREA DESIGNATED AS A CULTURAL DEVELOPMENT AREA PURSUANT TO THIS ARTICLE.

4. "ARTS CORPORATION" MEANS A CORPORATION WHICH HAS RECEIVED A PROGRAM, OPERATING, OR OTHER GRANT FROM THE NEW YORK STATE COUNCIL FOR THE ARTS IN THREE OF THE PRIOR FIVE YEARS, OR A CORPORATION CERTIFIED AS AN ARTS CORPORATION BY THE LOCAL AREA ADMINISTRATOR AND THE CHAIRPERSON OF THE NEW YORK STATE COUNCIL ON THE ARTS BECAUSE A MAJORITY OF ITS ACTIVITIES ARE OR ARE PROPOSED TO BE ARTISTIC OR CULTURAL, WHICH TERMS SHALL BE INTERPRETED AS BROADLY INCLUSIVE BY THE AREA ADMINISTRATOR AND THE CHAIRPERSON. IN ADDITION, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY, NOTHING HEREIN SHALL BE DEEMED TO PREVENT A CORPORATION WHICH PROVIDES GALLERY OR EXHIBITION SPACE, ARTIST STUDIO SPACE, ARTIST HOUSING AT BELOW MARKET RENT RATES, SPACE FOR PUBLIC ART PROJECTS AND THEIR CONSTRUCTION, MUSIC RECORDING STUDIOS, FILM, VIDEO, CLASSROOM AND STUDIO SPACE FOR ELEMENTARY, SECONDARY OR HIGHER EDUCATION INSTITUTIONS, OR OTHER FACILITIES WHOSE PURPOSE IS TO EXPOSE THE PUBLIC TO, AND ENCOURAGE THEIR PARTICIPATION IN THE ARTS, FROM QUALIFYING AS AN ARTS CORPORATION.

5. "CHIEF EXECUTIVE" IS A COUNTY EXECUTIVE OR MANAGER OF A COUNTY, OR IN A COUNTY NOT HAVING A COUNTY EXECUTIVE OR MANAGER, THE CHAIRPERSON OR PRESIDING OFFICER OF THE COUNTY LEGISLATIVE BODY. IN THE CASE OF A CITY, VILLAGE, OR TOWN, IT IS THE MAYOR OF A CITY OR VILLAGE, EXCEPT WHERE A CITY OR VILLAGE HAS A MANAGER, IT SHALL MEAN SUCH A MANAGER, OR A SUPERVISOR OF A TOWN, EXCEPT WHERE A TOWN HAS A MANAGER, IN WHICH CASE IT SHALL MEAN SUCH MANAGER.

6. "CHAIRPERSON" IS THE CHAIRPERSON OF THE NEW YORK STATE COUNCIL ON THE ARTS.

7. "COMMISSIONER" IS THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE STATE OF NEW YORK.

8. "DEPARTMENT" IS THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE STATE OF NEW YORK.

9. "CONSTRUCTION" MEANS THE ERECTION, BUILDING, ACQUISITION, ALTERATION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, ENLARGEMENT OR EXTENSION OF A CULTURAL FACILITY, INCLUDING ALL OR ANY PORTION OF INFRASTRUCTURE AND FACILITIES RELATED THERETO, ANY AND ALL RECREATIONAL, EDUCATIONAL, CULTURAL, OFFICE, LIVING, REHEARSAL, PARKING, RESTAURANT, RETAIL, STORAGE AND OTHER FACILITIES NECESSARY OR DESIRABLE IN CONNECTION WITH THE CULTURAL FACILITY; AND THE ENGINEERING, ARCHITECTURAL, LEGAL, FISCAL AND ECONOMIC INVESTIGATIONS, STUDIES, SURVEYS, DESIGNS, PLANS, DRAWINGS, SPECIFICATIONS, PROCEDURES, AND OTHER ACTIONS.

10. "CULTURAL FACILITY" MEANS ANY STRUCTURE, IMPROVEMENT, FURNISHING, EQUIPMENT OR OTHER REAL OR PERSONAL PROPERTY THAT IS OR IS TO BE USED, OWNED, OR OCCUPIED IN WHOLE OR IN PART, BUT IN NO CASE LESS THAN TWENTY-FIVE PERCENT, BY AN ARTS CORPORATION, AS WELL AS ANY AND ALL RECREATIONAL, EDUCATIONAL, CULTURAL, OFFICE, LIVING, REHEARSAL, PARKING, RESTAURANT, RETAIL, STORAGE AND OTHER FACILITIES NECESSARY OR DESIRABLE IN CONNECTION WITH THE ACTIVITIES OF THE ARTS CORPORATION.

11. "CULTURAL FACILITY PROJECT" MEANS A PROJECT FOR THE CONSTRUCTION OF A CULTURAL FACILITY.

12. "PERSON" MEANS ANY PERSON, INCLUDING INDIVIDUALS, FIRMS, PARTNERSHIPS, ASSOCIATIONS, PUBLIC UTILITIES, OR AUTHORITIES ORGANIZED OR EXISTING UNDER THE LAWS OF THE STATE OR ANY OTHER STATE, EXCLUSIVE OF A STATE AGENCY.

13. "REAL PROPERTY" MEANS LANDS, STRUCTURES, FRANCHISES AND INTERESTS IN LAND, WATERS, LANDS UNDER WATER, RIPARIAN RIGHTS AND AIR-RIGHTS AND ANY AND ALL THINGS AND RIGHTS INCLUDED WITHIN SAID TERM AND INCLUDES NOT ONLY FEES SIMPLE ABSOLUTE BUT ALSO ANY AND ALL LESSER INTERESTS INCLUDING BUT NOT LIMITED TO EASEMENTS, RIGHTS OF WAY, USES, LEASES, LICENSES AND ALL OTHER INCORPOREAL HEREDITAMENTS AND EVERY ESTATE, INTEREST OR RIGHT, LEGAL OR EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS THEREON BY WAY OF JUDGMENTS, MORTGAGES OR OTHERWISE.

14. "COMMUNITY CULTURAL DEVELOPMENT PROJECTS" ARE PROJECTS SPONSORED BY NOT-FOR-PROFIT ORGANIZATIONS WHICH HAVE BEEN APPROVED BY THE AREA BOARD, WHICH WILL ADVANCE THE AREA DEVELOPMENT PLAN. FOR PURPOSES DESCRIBED IN SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (L) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW, SUCH PROJECTS SHALL BE LIMITED TO PROGRAMS SERVING AREA RESIDENTS AND BUSINESSES; COMMUNITY DEVELOPMENT PROJECTS IN DIRECT SUPPORT OF ECONOMIC DEVELOPMENT AND BUSINESS REVITALIZATION ACTIVITIES, SUCH AS COMMERCIAL REVITALIZATION PROJECTS; AND BUSINESS DEVELOPMENT ACTIVITIES OF LOCAL DEVELOPMENT CORPORATIONS.

15. "HUMAN RESOURCE DEVELOPMENT" IS JOB PREPARATION AND PLACEMENT, SKILLS TRAINING AND EDUCATION FOR AREA RESIDENTS AND EMPLOYEES OF AREA BUSINESSES, CHILD AND FAMILY CARE SERVICES AND FACILITIES, AND ACTIVITIES TO IMPROVE THE HEALTH BENEFITS AND OTHER BENEFITS PROVIDED BY AREA BUSINESSES TO THEIR EMPLOYEES.

16. "LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD" IS THE ENTITY DESIGNATED BY THE APPLICANT THAT IS RESPONSIBLE FOR MONITORING, EVALUATING AND COORDINATING ALL CDA BENEFITS ON BEHALF OF THE APPLICANT. SUCH ENTITY SHALL CONSIST OF AT LEAST SIX MEMBERS, NONE OF WHOM SHALL BE THE CDA CERTIFICATION OFFICER, AND SHALL BE REPRESENTATIVE OF LOCAL BUSINESSES, ORGANIZED LABOR, COMMUNITY ORGANIZATIONS, FINANCIAL INSTITUTIONS, LOCAL EDUCATIONAL INSTITUTIONS AND RESIDENTS OF THE CDA.

17. "LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER" IS THE OFFICIAL DESIGNATED BY THE APPLICANT WHO IS RESPONSIBLE FOR JOINTLY CERTIFYING AND DECERTIFYING TOGETHER WITH THE COMMISSIONER OR, AS APPRO-

PRIATE, THE CHAIRPERSON, THOSE ARTS CORPORATIONS AND SERVICES ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO THIS ARTICLE.

18. "LOCAL GOVERNMENT" IS A COUNTY, EXCEPT IN THE CASE OF A COUNTY WHOLLY CONTAINED WITHIN A CITY IN WHICH CASE IT IS THE CITY.

19. "LOCALLY OWNED BUSINESS ENTERPRISE" IS A BUSINESS FIRM IN WHICH THE TOTAL OWNERSHIP INTEREST HELD BY INDIVIDUALS WHO ARE FULL TIME BONA FIDE RESIDENTS OF THE CDA IS MORE THAN EIGHTY PERCENT, WHOSE BUSINESS ACTIVITIES ARE CONDUCTED IN A MANNER WHEREBY AT LEAST FIFTY PERCENT OF THE ASSETS OF SUCH FIRM ARE LOCATED AND UTILIZED IN SUCH AREA, AND AT LEAST FORTY PERCENT OF SUCH FIRM'S EMPLOYEES ARE PRINCIPALLY EMPLOYED IN SUCH AREA; PROVIDED HOWEVER, FOR BUSINESS FIRMS LOCATED WITHIN AREAS DESIGNATED IN A CITY SUCH INDIVIDUALS SHALL RESIDE WITHIN A COMMUNITY PLANNING BOARD OR WITHIN TRADITIONAL NEIGHBORHOOD BOUNDARIES AND PROVIDED FURTHER HOWEVER FOR BUSINESS FIRMS LOCATED WITHIN AREAS OUTSIDE OF A CITY SUCH INDIVIDUALS MAY RESIDE IN THE COUNTY IN WHICH THE AREA IS DESIGNATED.

20. "MINORITY GROUP MEMBER" IS A UNITED STATES CITIZEN OR PERMANENT RESIDENT ALIEN WHO IS AND CAN DEMONSTRATE MEMBERSHIP IN ONE OF THE FOLLOWING GROUPS: BLACK PERSONS HAVING ORIGINS IN ANY OF THE BLACK AFRICAN RACIAL GROUPS; HISPANIC PERSONS OF MEXICAN, PUERTO RICAN, DOMINICAN, CUBAN, CENTRAL OR SOUTH AMERICAN OF EITHER INDIAN OR HISPANIC ORIGIN, REGARDLESS OF RACE; NATIVE AMERICAN OR ALASKAN NATIVE PERSONS HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA; AND ASIAN AND PACIFIC ISLANDER PERSONS HAVING ORIGINS IN ANY OF THE FAR EAST COUNTRIES, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT OR THE PACIFIC ISLANDS.

21. "MINORITY-OWNED BUSINESS ENTERPRISE" IS AN INDEPENDENTLY OWNED AND OPERATED SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE WHICH IS AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE MINORITY GROUP MEMBERS, AND SUCH MINORITY OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING, AND SUCH MINORITY OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE.

22. "SINGLE ENTERPRISE" IS TWO OR MORE RELATED BUSINESS ENTERPRISES CHARACTERIZED BY AN ABSENCE OF ARM'S LENGTH RELATIONSHIPS FOUND AMONG ENTERPRISES THAT ARE NOT INTEGRATED. FACTORS TO BE CONSIDERED, AMONG OTHER THINGS, IN DETERMINING THE EXISTENCE OF A SINGLE ENTERPRISE ARE INTERRELATION OF OPERATIONS, COMMON MANAGEMENT, CENTRALIZED CONTROL OF LABOR RELATIONS, COMMON OWNERSHIP AND COMMON FINANCIAL CONTROL.

23. "TARGETED EMPLOYEE" IS A NEW YORK RESIDENT WHO RECEIVES CDA WAGES AND WHO IS (A) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISION OF THE TARGETED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (B) ELIGIBLE FOR BENEFITS UNDER THE PROVISIONS OF THE JOB TRAINING PARTNERSHIP ACT (P.L. 97-300, AS AMENDED), (C) A RECIPIENT OF PUBLIC ASSISTANCE BENEFITS, OR (D) AN INDIVIDUAL WHOSE INCOME IS BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES DEPARTMENT OF COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS BELOW THE MOST RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE APPROPRIATE FEDERAL AGENCY. AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN PARAGRAPH (A), (B) OR (D) OF THIS SUBDIVISION AT THE TIME OF INITIAL EMPLOYMENT IN THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES THE CRITERION SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION AT SUCH TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE CDA WAGES.

24. "WOMEN-OWNED BUSINESS ENTERPRISE" IS AN INDEPENDENTLY OWNED AND OPERATED SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE WHICH IS AT

LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE UNITED STATES CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE WOMEN, AND SUCH OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING, AND SUCH OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE.

25. "AREA ADMINISTRATIVE ENTITY" IS A COMMUNITY-BASED LOCAL DEVELOPMENT CORPORATION OR ENTITY CONTRACTING WITH THE LOCAL CDA BOARD OR THE MUNICIPALITY IN WHICH THE AREA IS LOCATED IN THOSE INSTANCES WHERE THE MUNICIPALITY ACTIVELY PARTICIPATES IN THE LOCAL ADMINISTRATION OF THE AREA PROGRAM.

S 6.04. DESIGNATION OF CULTURAL DEVELOPMENT AREA. THERE SHALL BE A TOTAL OF NO FEWER THAN TWO BUT NO MORE THAN FOUR CULTURAL DEVELOPMENT AREAS IN NEW YORK, LOCATED IN AND DESIGNATED BY THE GOVERNING BODY OF ANY COUNTY. ON THE NEXT JANUARY FIRST SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE, EVERY COUNTY, CITY, TOWN OR VILLAGE ACTING ON RECOMMENDATION OF ITS CHIEF EXECUTIVE, MAY DESIGNATE A CULTURAL DEVELOPMENT AREA. SUCH DESIGNATION SHALL MEET THE CRITERIA AND PROCESS ESTABLISHED IN THIS ARTICLE FOR DESIGNATION OF A CULTURAL DEVELOPMENT AREA, INCLUDING THE PASSAGE OF A LOCAL LAW, BUT SHALL NOT BE EFFECTIVE UNTIL AFTER APPROVAL IN WRITING BY THE COMMISSIONER. SUBMISSION TO THE COMMISSIONER FOR APPROVAL MAY OCCUR AT ANY TIME PRIOR TO OR AFTER SUCH JANUARY FIRST DATE, AND THE CULTURAL DEVELOPMENT AREA SHALL BECOME EFFECTIVE ON THE PRIOR OR NEXT SUCCEEDING JANUARY FIRST NEAREST THE DATE OF SUCH WRITTEN APPROVAL.

S 6.05. CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION. 1. IN DESIGNATING AN AREA AS A CULTURAL DEVELOPMENT AREA, A LOCAL GOVERNMENT SHALL ADOPT A PLAN WHICH DEMONSTRATES HOW AN AREA MEETS THE CRITERIA ESTABLISHED IN THIS ARTICLE FOR SUCH DESIGNATION, AND PROVIDES SUCH OTHER DEMONSTRATIONS AS ARE REQUIRED BY THIS ARTICLE. SUCH PLAN SHALL BE INCLUDED IN THE LOCAL LAW DESIGNATING A CULTURAL DEVELOPMENT AREA.

2. TO BE DESIGNATED AS A CULTURAL DEVELOPMENT AREA BY A LOCAL GOVERNMENT AN AREA:

(A) MUST BE CHARACTERIZED BY THE EXISTENCE OF ONE OR MORE ARTS CORPORATIONS. SOLELY FOR THE PURPOSES OF AN APPLICATION, IT SHALL BE SUFFICIENT FOR THE CHIEF EXECUTIVE OF THE LOCAL GOVERNMENT IN WHICH SUCH CDA IS PROPOSED TO BE LOCATED TO CERTIFY ONE OR MORE ENTITIES AS AN ARTS CORPORATION, OR TO CERTIFY THAT THE PROPOSED CDA WILL CONTAIN ONE OR MORE ARTS CORPORATIONS WITHIN A YEAR OF ITS DESIGNATION;

(B) SHALL NOT EXCEED TWO SQUARE MILES, AND SHALL BE DEFINED BY ONE OR MORE BORDERS AS DETERMINED BY THE APPLICANT, WHICH, WHERE APPROPRIATE, SHALL INCLUDE MAJOR NATURAL OR MAN-MADE PHYSICAL BOUNDARIES, SUCH AS BODIES OF WATER, RAILROAD LINES, OR LIMITED ACCESS HIGHWAYS. SUCH BORDERS MUST BE CONTIGUOUS;

(C) SHALL INCLUDE AT LEAST TWENTY-FIVE PERCENT OF THE TOTAL LAND AND/OR THE TOTAL SQUARE FOOTAGE OF FACILITIES AS VACANT, ABANDONED, OR OTHERWISE AVAILABLE FOR COMMERCIAL DEVELOPMENT OR REDEVELOPMENT, OR DEVELOPMENT OR REDEVELOPMENT OF APPROPRIATE ANCILLARY BUSINESSES AND SERVICES.

LANDS NEARBY OR CONTIGUOUS TO CENSUS TRACTS OR BLOCK NUMBERING AREAS DESCRIBED IN THIS SUBDIVISION MAY BE INCLUDED WITHIN A CULTURAL DEVELOPMENT AREA UPON APPROVAL BY THE COMMISSIONER IF THE APPLICANT SHALL DEMONSTRATE TO THE COMMISSIONER'S SATISFACTION THAT SUCH ADDITIONAL LANDS HAVE SIGNIFICANT POTENTIAL FOR ARTS AND CULTURAL DEVELOPMENT AND JOB CREATION, WHICH WILL ENHANCE ECONOMIC REVITALIZATION OF THE AREA AND BENEFIT AREA RESIDENTS.

3. THE PLAN SHALL DEMONSTRATE THAT THE CREATION OF A CULTURAL DEVELOPMENT AREA IS NECESSARY TO THE DEVELOPMENT, CONTINUATION, OR ENHANCEMENT OF ONE OR MORE ARTS CORPORATIONS; OR NECESSARY TO THE PRESERVATION OF CULTURAL HERITAGE; OR THE DEVELOPMENT, CONTINUATION, OR ENHANCEMENT OF ARTS CORPORATIONS WITHIN SUCH AREA SHALL LEAD TO DEVELOPMENT WITHIN THE AREA OF ADDITIONAL ARTS CORPORATIONS AND SERVICES, OR THE DEVELOPMENT OF INFRASTRUCTURE THAT WILL STIMULATE THE DEVELOPMENT OF AN ARTS COMMUNITY WITHIN THE CDA. ADDITIONALLY, THE PLAN SHALL DEMONSTRATE THAT THE DEVELOPMENT, CONTINUATION, PRESERVATION, OR ENHANCEMENT OF ARTS AND CULTURAL CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES AS ENVISIONED THEREIN WILL HAVE A POSITIVE IMPACT IN THE FORM OF:

(A) DIRECT, INDIRECT, AND INDUCED REVENUES TO THE LOCAL ECONOMY, INCLUDING SUBSTANTIAL PUBLIC AND PRIVATE COMMITMENTS TO A LONG-TERM ECONOMIC REVITALIZATION PROGRAM FOR THE AREA;

(B) SHORT-TERM AND LONG-TERM JOB CREATION, INCLUDING THE POTENTIAL OF THE AREA TO ATTRACT INVESTMENT THAT WILL PROVIDE EMPLOYMENT TO PERSONS IN THE AREA WHO ARE UNEMPLOYED OR ECONOMICALLY DISADVANTAGED; PROVIDED, HOWEVER, THAT MEASURES OF JOB CREATION SHALL BE ON A FULL-TIME EQUIVALENCY BASIS;

(C) INCREASES IN PER CAPITA INCOME WITHIN THE AREA AND WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT;

(D) RECLAMATION OF ABANDONED, UNUSED, OR UNDER-UTILIZED PROPERTY, LAND, OR BUILDINGS;

(E) ENHANCEMENT OF STATE AND LOCAL TAX REVENUES; AND

(F) OTHER APPROPRIATE MEASURES OF INCREASED ECONOMIC ACTIVITY OR CAPACITY THAT ARE CONSISTENT WITH THE SPIRIT AND INTENT OF THIS ARTICLE.

4. ADDITIONALLY, THE PLAN AND THE SUBMISSION TO THE COMMISSIONER FOR APPROVAL OF THE AREA SHALL INCLUDE EVIDENCE OF PREVIOUS, CONCURRENT OR PROPOSED ECONOMIC DEVELOPMENT INITIATIVES, WHICH WOULD EITHER SUPPLEMENT, OR BE ENHANCED BY, A CULTURE AREA; IDENTIFICATION OF SPECIFIC INFRASTRUCTURE DEVELOPMENT, OR CAPITAL IMPROVEMENTS, AND THE INTENDED USAGES THAT WILL BE SUPPORTED BY THE DESIGNATION OF THE AREA AS A CDA; IDENTIFICATION OF ANY CAPITAL IMPROVEMENTS THAT MUST BE COMPLETED PRIOR TO THE AVAILABILITY OF SUCH STRUCTURES FOR PUBLIC USE; AND A SPECIFIC TIMELINE FOR THE COMPLETION OF SUCH PROJECTS, AND THE ANTICIPATED OUTCOME OF CULTURE AREA DESIGNATION. THE APPLICANT SHALL DEMONSTRATE LOCAL CAPACITY TO MANAGE SUCH A PROGRAM, DEMONSTRATE THE MANNER IN WHICH THE OVERALL AREA PLAN ENUNCIATES THE NEEDS OF THE AREA AND SETS FORTH PROPOSALS TO SOLVE THEM, AND THE MANNER IN WHICH PROGRESS IN IMPLEMENTING THE AREA PLAN WILL BE ROUTINELY EVALUATED ON THE LOCAL LEVEL AND HOW INFORMATION ESSENTIAL FOR PERIODIC EVALUATIONS WILL BE COMPILED. THE PLAN SHALL FURTHER INCLUDE:

(A) A STATEMENT INDICATING HOW CDA DESIGNATION WOULD ASSIST IN THE REVITALIZATION OF THE AREA IN WHICH SUCH AREA IS PROPOSED TO BE LOCATED;

(B) A DESCRIPTION OF THE METHOD BY WHICH INDUSTRIAL DEVELOPMENT AGENCIES OR OTHER PUBLIC FINANCE AGENCIES SHALL GRANT A PREFERENCE FOR ALLOCATION OF PRIVATE ACTIVITY BONDING AUTHORITY FOR PROJECTS LOCATED IN THE PROPOSED CDA;

(C) A DESCRIPTION OF PROPOSALS FOR INFRASTRUCTURE IMPROVEMENTS AND INVESTMENTS AND A TIMETABLE FOR THEIR COMPLETION;

(D) A STATEMENT IDENTIFYING THOSE LOCAL TAX INCENTIVES PROPOSED TO BE OFFERED WITHIN THE AREA;

(E) A DESCRIPTION OF A PROCEDURE TO EXPEDITE THE ISSUANCE OF ANY REQUIRED LOCAL PERMITS OR LICENSES;

(F) A DESCRIPTION OF OTHER ACTIVITIES TO BE UNDERTAKEN BY MUNICIPAL AGENCIES, BUSINESS ENTITIES, NOT-FOR-PROFIT CORPORATIONS,

COMMUNITY-BASED ORGANIZATIONS OR ANY OTHER PERSONS, WHICH ARE DESIGNED TO PROMOTE PRIVATE SECTOR INVESTMENT AND JOB DEVELOPMENT IN THE CDA AND A DESCRIPTION OF THE JOB TRAINING OR JOB PLACEMENT SERVICES TO BE MADE AVAILABLE TO CDA RESIDENTS IN NEED OF SUCH TRAINING OR SERVICES;

(G) AN INVENTORY OF REAL PROPERTY LOCATED WITHIN THE PROPOSED CDA THAT IS OWNED BY A MUNICIPALITY OR THE STATE AND IS CURRENTLY UNUSED BY THE MUNICIPALITY OR THE STATE;

(H) A DESCRIPTION OF THE BUSINESS DEVELOPMENT PROGRAMS AND SERVICES TO BE AVAILABLE TO STIMULATE THE CREATION OF NEW SMALL BUSINESSES, INCLUDING NEW SMALL MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES;

(I) A DESCRIPTION OF EFFORTS THAT WILL BE UNDERTAKEN TO PREVENT OR DISCOURAGE THE DISPLACEMENT OF RESIDENTS OF THE PROPOSED CDA;

(J) A DESCRIPTION OF ACTIVITIES DESIGNED TO ENSURE THE MEANINGFUL PARTICIPATION OF MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CDA DEVELOPMENT ACTIVITIES;

(K) A DESCRIPTION OF PROVISIONS FOR THE PARTICIPATION OF NOT-FOR-PROFIT CULTURAL AND BUSINESS CORPORATIONS IN THE DEVELOPMENT OF THE PLAN AND IN STRATEGIES FOR IMPLEMENTATION OF THE PLAN;

(L) A DESCRIPTION OF THE MARKETING STRATEGY TO BE EMPLOYED BY THE APPLICANT TO PROMOTE DEVELOPMENT IN THE AREA AND THE RESOURCES TO BE COMMITTED BY THE APPLICANT AND OTHER ORGANIZATIONS TO THE IMPLEMENTATION OF SUCH STRATEGY;

(M) A DESCRIPTION OF THE METHOD BY WHICH THE APPLICANT WILL EVALUATE THE SUCCESS OF ANY ACTIVITIES TO BE UNDERTAKEN IN THE PROPOSED CDA, PROVIDED, HOWEVER, THAT THE APPLICANT SHALL TAKE INTO CONSIDERATION THE FACTORS UPON WHICH THE SELECTION OF THE AREA WAS BASED IN ANY EVALUATION;

(N) A DESCRIPTION OF PROVISIONS FOR PARTICIPATION AND ALLOCATION OF FUNDS BY THE AFFECTED SERVICE DELIVERY AREA PRIVATE INDUSTRY COUNCIL AND ADMINISTRATIVE ENTITY ESTABLISHED PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (P.L. 97-300, AS AMENDED) TO PROVIDE JOB TRAINING IN THE AREA;

(O) A STATEMENT OF THE REASONS WHY THE PARTICULAR GEOGRAPHIC CONFIGURATION OF THE AREA WAS SELECTED;

(P) A DESCRIPTION OF THE STRUCTURE AND DUTIES OF THE LOCAL AREA ADMINISTRATIVE BOARD TO BE ESTABLISHED WITHIN EACH CDA AS PROVIDED IN THIS ARTICLE;

(Q) A DESCRIPTION OF THE SPECIAL PROGRAMS TO BE OPERATED BY EDUCATIONAL INSTITUTIONS AND OTHER TRAINING ENTITIES IN THE AREA TO PREPARE AND TRAIN AREA RESIDENTS FOR EMPLOYMENT BY BUSINESSES LOCATED WITHIN AND OUTSIDE THE AREA;

(R) A STATEMENT FROM THE APPROPRIATE REGIONAL ECONOMIC DEVELOPMENT COUNCIL SETTING FORTH THE SPECIFIC RESOURCES TO BE ALLOCATED FOR BUSINESS DEVELOPMENT IN THE AREA;

(S) A DESCRIPTION OF FACILITIES FOR LICENSED AND CERTIFIED CHILD DAY CARE FOR THE CHILDREN OF PERSONS ENGAGED IN TRAINING FOR EMPLOYMENT IN, OR EMPLOYED IN, THE AREA;

(T) A DESCRIPTION OF SPECIFIC STRATEGIES AND PRIORITIES FOR ECONOMIC REVITALIZATION OF THE AREA AND OF INDICATORS TO BE USED TO MEASURE PERFORMANCE AGAINST OBJECTIVES;

(U) A STATEMENT OF HUMAN RESOURCE DEVELOPMENT GOALS FOR THE CDA AND SPECIFIC STRATEGIES FOR ACHIEVING THEM;

(V) A DESCRIPTION OF HOW THE APPLICANT WILL USE AREA DESIGNATION TO COORDINATE ECONOMIC DEVELOPMENT PROGRAMS AND PROVIDERS AT THE LOCAL LEVEL TO SERVICE THE AREA;

(W) A DESCRIPTION OF THE ORGANIZATIONAL ACTIONS TO BE TAKEN BY THE LOCAL CDA ADMINISTRATIVE BOARD AND AREA ADMINISTRATIVE ENTITIES TO

IMPLEMENT SPECIFIED BUSINESS, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT GOALS AND STRATEGIES; AND

(X) A DESCRIPTION OF THE FINANCIAL COMMITMENTS WHICH THE APPLICANT IS PREPARED TO MAKE TO THE AREA, INCLUDING, BUT NOT LIMITED TO, SPECIFIC COMMITMENTS FOR INFRASTRUCTURE IMPROVEMENTS.

S 6.06. DESIGNATION OF CULTURAL ASSETS. 1. THERE SHALL BE A TOTAL OF ONE HUNDRED CULTURAL ASSETS DESIGNATED IN NEW YORK, LOCATED IN AND DESIGNATED BY THE GOVERNING BODY OF ANY COUNTY, CITY, TOWN OR VILLAGE, PROVIDED, HOWEVER, THAT NO CULTURAL ASSET MAY BE LOCATED WITHIN THE BOUNDARIES OF ANY DESIGNATED CULTURAL DEVELOPMENT AREA. ON THE NEXT JANUARY FIRST SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE, EVERY COUNTY, CITY, TOWN OR VILLAGE ACTING ON RECOMMENDATION OF ITS CHIEF EXECUTIVE, MAY DESIGNATE A CULTURAL ASSET. SUCH DESIGNATION SHALL MEET THE CRITERIA AND PROCESS ESTABLISHED IN THIS ARTICLE FOR DESIGNATION OF A CULTURAL DEVELOPMENT AREA, INCLUDING THE PASSAGE OF A LOCAL LAW, BUT SHALL NOT BE EFFECTIVE UNTIL AFTER APPROVAL IN WRITING BY THE COMMISSIONER. SUBMISSION TO THE COMMISSIONER FOR APPROVAL MAY OCCUR AT ANY TIME PRIOR TO OR AFTER SUCH JANUARY FIRST DATE, AND THE CULTURAL ASSET SHALL BECOME EFFECTIVE ON THE PRIOR OR NEXT SUCCEEDING JANUARY FIRST NEAREST THE DATE OF SUCH WRITTEN APPROVAL.

2. A CULTURAL ASSET MAY BE ANY SINGLE BUILDING OWNED IN WHOLE OR IN PART BY AN ARTS CORPORATION THE PURPOSE FOR WHICH IS THE PRESENTATION OR EXHIBITION OR CREATION OF ARTISTIC OR CULTURAL PERFORMANCES OR EXHIBITS TO THE PUBLIC.

S 6.07. CRITERIA FOR DESIGNATION OF A CULTURAL ASSET. THE COMMISSIONER SHALL ESTABLISH A SET OF CRITERIA FOR THE DESIGNATION OF A CULTURAL ASSET CONSISTENT WITH THOSE CRITERIA ESTABLISHED IN SECTION 6.05 OF THIS ARTICLE, PROVIDED THAT THE COMMISSIONER SHALL ADOPT THE PROVISIONS OF THAT SECTION AS NECESSARY FOR THE DESIGNATION OF CULTURAL ASSETS.

S 6.08. RESPONSIBILITIES OF THE COMMISSIONER. THE COMMISSIONER SHALL:

1. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET, THE COMMISSIONER OF TAXATION AND FINANCE, AND THE CHAIRPERSON OF THE COUNCIL ON THE ARTS, PROMULGATE REGULATIONS WHICH SHALL NOT EXCEED THE REQUIREMENTS ESTABLISHED IN THIS ARTICLE, GOVERNING CRITERIA FOR ELIGIBILITY FOR CULTURAL DEVELOPMENT AREA DESIGNATION, PROVIDED, HOWEVER, THAT SUCH CRITERIA BE APPROVED BY THE DIRECTOR OF THE BUDGET; THE APPLICATION PROCESS; AND THE CERTIFICATION OR, AS APPROPRIATE, THE ELIGIBILITY, OF ARTS CORPORATIONS, CULTURAL FACILITIES, AND SERVICES FOR BENEFITS REFERRED TO IN THIS ARTICLE.

2. PROMULGATE REGULATIONS, AFTER CONSULTATION WITH THE CHAIRPERSON OF THE COUNCIL ON THE ARTS CONCERNING JOINT DECERTIFICATION BY THE COMMISSIONER AND THE LOCAL AREA CERTIFICATION OFFICER SO AS TO REVOKE THE CERTIFICATION OF ARTS CORPORATIONS FOR BENEFITS REFERRED TO IN THIS ARTICLE UPON A FINDING THAT THE ARTS CORPORATION:

(A) MADE MATERIAL MISREPRESENTATIONS OF FACT ON ITS APPLICATION FOR CERTIFICATION, OR FAILED TO DISCLOSE FACTS IN ITS APPLICATION FOR CERTIFICATION THAT WOULD CONSTITUTE GROUNDS FOR NOT ISSUING A CERTIFICATION;

(B) FAILED TO CONSTRUCT, EXPAND, REHABILITATE OR OPERATE ITS FACILITY SUBSTANTIALLY IN ACCORDANCE WITH THE REPRESENTATIONS CONTAINED IN ITS APPLICATION FOR CERTIFICATION;

(C) FAILED TO SUBMIT AN ANNUAL REPORT OR FAILED TO SUBMIT OTHER REQUIRED INFORMATION TO THE LOCAL CERTIFICATION OFFICER WHEN DUE; OR

(D) COMMITTED SUBSTANTIAL VIOLATIONS OF LAWS FOR THE PROTECTION OF WORKERS INCLUDING ALL FEDERAL, STATE AND LOCAL LABOR LAWS, RULES OR REGULATIONS.

SUCH REGULATIONS SHALL PROVIDE THAT WHENEVER ANY ARTS CORPORATION IS DECERTIFIED THE DATE DETERMINED TO BE THE EARLIEST EVENT CONSTITUTING GROUNDS FOR REVOKING CERTIFICATION SHALL BE THE EFFECTIVE DATE OF DECERTIFICATION, AND THE COMMISSIONER SHALL NOTIFY THE COMMISSIONER OF TAXATION AND FINANCE THAT SUCH DECERTIFICATION HAS OCCURRED, AND SUCH NOTIFICATION SHOULD INCLUDE THE EFFECTIVE DATE OF SUCH DECERTIFICATION AND THE AREA TO WHICH SUCH DECERTIFICATION APPLIES.

3. RECEIVE AND REVIEW APPLICATIONS FOR DESIGNATION OF AREAS AS CDAS, INCLUDING NEW APPLICATIONS TO REPLACE ANY PREVIOUSLY DESIGNATED AREA THE DESIGNATION OF WHICH HAS BEEN TERMINATED OR WITHDRAWN.

4. FILE NOTICE OF THE DESIGNATION OR REDESIGNATION OF A CDA OR OF THE REVISION OR TERMINATION OF SUCH DESIGNATION WITH THE APPLICANT, THE DEPARTMENT OF TAXATION AND FINANCE, THE SECRETARY OF STATE, WITH THE COUNTY, CITY, TOWN OR VILLAGE CLERK OF EACH COUNTY, CITY, TOWN, OR VILLAGE, RESPECTIVELY, IN WHICH THE CDA IS LOCATED, WITH THE SCHOOL DISTRICT GOVERNING BODY IN WHICH THE AREA IS LOCATED, WITH THE STATE BOARD OF REAL PROPERTY SERVICES AND WITH OTHER STATE AND LOCAL ENTITIES. SUCH NOTICE SHALL SPECIFY THE DATE SUCH ACTION WAS TAKEN AND SHALL CONTAIN A DESCRIPTION SUFFICIENT TO IDENTIFY THE AREA, INCLUDING THE NAMES OF THE ABUTTING STREETS, ROADS, HIGHWAYS, BODIES OF WATER, OR OTHER IDENTIFYING PHYSICAL FEATURES.

5. REQUEST, AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, AGENCY OR PUBLIC AUTHORITY OF THE STATE SUCH ASSISTANCE AS MAY BE NECESSARY TO ESTABLISH A PROCEDURE WHEREBY APPLICATIONS SUBMITTED BY ENTITIES LOCATED WITHIN A CDA REQUESTING FINANCIAL AND OTHER ASSISTANCE PROVIDED BY STATE PROGRAMS, INCLUDING, BUT NOT LIMITED TO, CAPITAL DEVELOPMENT, HUMAN RESOURCE DEVELOPMENT, BUSINESS ASSISTANCE, JOB TRAINING AND JOB PLACEMENT, SHALL, CONSISTENT WITH FEDERAL LAW, BE GIVEN PRIORITY OVER APPLICATIONS SUBMITTED BY ENTITIES NOT LOCATED IN SUCH AREAS.

6. ESTABLISH A PRIORITY FOR THE ALLOCATION OF AUTHORITY TO ISSUE PRIVATE ACTIVITY BONDS FOR THE BENEFIT OF MUNICIPALITIES AND ARTS CORPORATIONS LOCATED OR TO BE LOCATED WITHIN CULTURAL DEVELOPMENT AREAS.

7. COORDINATE, WITH THE LOCAL AREA ADMINISTRATIVE BOARD AND STATE AGENCIES AND AUTHORITIES, THE PROVISION OF DEVELOPMENT PROGRAMS AND SERVICES FOR EACH AREA IN ORDER TO STIMULATE THE CREATION AND DEVELOPMENT OF NEW ARTS CORPORATIONS, CULTURAL FACILITIES, AND SERVICES, INCLUDING NEW SMALL MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES, AND MAY REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, AGENCY OR PUBLIC AUTHORITY OF THE STATE SUCH ASSISTANCE AS MAY BE NECESSARY.

8. COORDINATE WITH THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A LINKED DEPOSIT PROGRAM. THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE ARE HEREBY AUTHORIZED AND EMPOWERED TO ENTER INTO AGREEMENTS WITH FINANCIAL INSTITUTIONS LOCATED IN OR SERVING THE CDAS, TO PROVIDE FOR THE DEPOSIT OF FUNDS ADMINISTERED JOINTLY BY THEM IN SUCH INSTITUTIONS, AT REDUCED RATES OF RETURN TO THE STATE, IN RETURN FOR COMMITMENTS BY SUCH INSTITUTIONS TO BUSINESSES OF LOANS OF COMPARABLE AMOUNTS, AT REDUCED INTEREST RATES, FOR BUSINESS DEVELOPMENT PROJECTS IN THE AREAS THAT WILL CREATE OR PRESERVE JOBS.

9. ASSIST EACH LOCAL CDA BOARD IN PREPARING A DEVELOPMENT PLAN AS REQUIRED BY THIS ARTICLE AND COORDINATE WITH THE LOCAL AREA ADMINISTRATIVE BOARD AND STATE AGENCIES AND AUTHORITIES THE DEVELOPMENT OF ARTS CORPORATION AND CULTURAL FACILITIES PROCUREMENT, EXPORT, AND MARKETING PROGRAMS.

10. CONTRACT WITH A STATEWIDE ARTS GROUP WHICH HAS HAD EXPERIENCE IN THE DEVELOPMENT OF CULTURAL DEVELOPMENT AREAS IN NEW YORK FOR PROGRAM EVALUATION AND COORDINATE THE IMPLEMENTATION OF AN EVALUATION SYSTEM, WHICH IS CAPABLE OF COMPILING AND ANALYZING ACCURATE AND CONSISTENT INFORMATION NECESSARY FOR AN ASSESSMENT OF WHETHER STATUTORY OBJECTIVES AND CRITERIA ARE BEING MET.

11. REVIEW PERFORMANCE OBJECTIVES AND PROGRESS IN MEETING OBJECTIVES WITH CDA BOARDS AND AREA ADMINISTRATIVE ENTITIES AS PART OF THE ANNUAL ADMINISTRATIVE CONTRACT PROCESS.

12. COORDINATE WITH THE DEPARTMENT OF LABOR, THE STATE EDUCATION DEPARTMENT, THE JOB TRAINING PARTNERSHIP COUNCIL AND AGENCIES OF THE STATE THE INCLUSION IN ANNUAL AND BIENNIAL PLANS OF SUCH ENTITIES' STRATEGIES FOR INCREASING AND IMPROVING HUMAN RESOURCE DEVELOPMENT SERVICES ON A PRIORITY BASIS, CONSISTENT WITH FEDERAL STATUTORY AND REGULATORY REQUIREMENTS, TO RESIDENTS OF THE AREAS AND EMPLOYEES OF AREA BUSINESSES, INCLUDING, BUT NOT LIMITED TO, THE GOVERNOR'S PLAN FOR COORDINATION AND SPECIAL SERVICES OF THE JOB TRAINING PARTNERSHIP COUNCIL, THE JOBS PLAN AND WAGNER-PEYSER ANNUAL PLAN FOR SERVICES OF THE DEPARTMENT OF LABOR, AND THE CAREER EDUCATION STATE PLAN OF THE STATE EDUCATION DEPARTMENT.

13. ARRANGE WITH THE JOB TRAINING PARTNERSHIP COUNCIL THE PROVISION OF JOB TRAINING PARTNERSHIP ACT FUNDS FOR USE WITHIN THE AREAS WITH THE COOPERATION OF THE SERVICE DELIVERY AREAS IN THE GOVERNOR'S PLAN FOR COORDINATION AND SPECIAL SERVICES.

14. SUBJECT TO THE AVAILABILITY OF FUNDS, ARRANGE FOR THE ALLOCATION AND RESERVATION OF FUNDS FROM THE INFRASTRUCTURE IMPROVEMENT PROGRAMS OF STATE AGENCIES AND AUTHORITIES TO ASSIST THE AREAS TO MAKE PUBLIC IMPROVEMENTS NECESSARY FOR COMMUNITY, COMMERCIAL, INDUSTRIAL AND TOURISM DEVELOPMENT PROJECTS IN SUPPORT OF AREA REVITALIZATION.

15. SYSTEMATICALLY ENLIST OTHER STATE AGENCIES AND AUTHORITIES TO PARTICIPATE IN AREA PROGRAMS AND PROJECTS AND IN COOPERATIVE PLANNING OF INTERAGENCY AREA ACTIVITIES IN SUPPORT OF AREA REVITALIZATION EFFORTS.

16. RECOMMEND FOR EMPIRE LOAN AND GRANT PROGRAMS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, URBAN DEVELOPMENT CORPORATION, JOB DEVELOPMENT AUTHORITY, AND THE OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH SPECIAL TERMS AND CONDITIONS FOR VIABLE AREA PROJECTS AND PROGRAMS.

17. AWARD PREFERENCE TO BE GIVEN TO APPLICATIONS SUBMITTED BY OR ON BEHALF OF AREAS FOR ENTREPRENEURIAL ASSISTANCE PROGRAMS UNDER ARTICLE NINE OF THE ECONOMIC DEVELOPMENT LAW TO SUPPORT THE CREATION OF NEW ENTREPRENEURIAL DEVELOPMENT AND ENTREPRENEURIAL SUPPORT CENTERS.

18. COORDINATE WITH THE URBAN DEVELOPMENT CORPORATION THE CREATION OF A SPECIAL CATEGORY OF ASSISTANCE FOR AREAS WITHIN THE REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP PROGRAM, WHICH WILL MAKE AVAILABLE ECONOMIC DEVELOPMENT ASSISTANCE GRANTS FOR AREA PROGRAMS AND ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, PLANNING, SERVICE COORDINATION, AND LOCAL INSTITUTIONAL CAPACITY BUILDING FOR HUMAN RESOURCE DEVELOPMENT NECESSARY FOR ECONOMIC REVITALIZATION; PLANNING AND DEVELOPMENT OF SMALL BUSINESS INCUBATORS; JOB PLACEMENT AND PREPAREDNESS PROGRAMS FOR AREA RESIDENTS; EDUCATION AND TRAINING PROGRAMS FOR AREA BUSINESSES; CHILD CARE PROGRAMS AND PROJECTS SUPPORTIVE OF BUSINESS DEVELOPMENT; TECHNICAL ASSISTANCE FOR MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT; TRAINING FOR AREA OFFICIALS; BUSINESS AND TOURISM DEVELOPMENT AND MARKETING PROGRAMS; AND OTHER INNOVATIVE PROGRAMS AND ACTIVITIES IN SUPPORT OF ECONOMIC AND COMMUNITY DEVELOPMENT WITHIN THE AREAS.

19. ASSIST IN THE DEVELOPMENT OF A PLAN, IN COORDINATION WITH THE HEALTH AND INSURANCE DEPARTMENTS, AND THE COUNCIL ON THE ARTS, TO ASSIST

AREAS IN OBTAINING AFFORDABLE EMPLOYEE HEALTH INSURANCE FOR ARTS CORPORATIONS LOCATED WITHIN THE AREA.

S 6.09. NEW YORK STATE CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL. THERE IS HEREBY ESTABLISHED THE NEW YORK STATE CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL, TO BE COMPRISED OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR. MEMBERS OF THE COUNCIL SHALL INCLUDE: THE COMMISSIONER OR HIS OR HER DESIGNEE; THE CHAIRPERSON OF THE NEW YORK STATE COUNCIL ON THE ARTS OR HIS OR HER DESIGNEE; THE CHAIRPERSON OF THE NEW YORK STATE TOURISM ADVISORY COUNCIL OR HIS OR HER DESIGNEE; THREE MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE; THREE MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; AND ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF TWO YEARS, PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED, SIX SHALL SERVE FOR TWO YEARS AND FIVE SHALL SERVE FOR THREE YEARS. MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL, NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS COUNCIL MEMBERS. THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM THE MEMBERS OF THE COUNCIL. THE MEMBERS OF THE COUNCIL SHALL ELECT ONE PERSON TO SERVE AS THE VICE-CHAIRPERSON. THE VICE-CHAIRPERSON SHALL REPRESENT THE COUNCIL IN THE ABSENCE OF THE CHAIRPERSON AT ALL OFFICIAL COUNCIL FUNCTIONS. IN APPOINTING MEMBERS TO THE COUNCIL, THE GOVERNOR SHALL ENSURE THAT SUCH MEMBERS INCLUDE REPRESENTATIVES OF ORGANIZATIONS OF ARTS AND CULTURAL RELATED INDUSTRIES IN THE STATE, REPRESENTATIVES WITH DISTINGUISHED ECONOMIC DEVELOPMENT BACKGROUNDS, AND REPRESENTATIVES IN THE TOURISM INDUSTRY IN THE STATE. THE COUNCIL SHALL MEET AT LEAST QUARTERLY, AT THE CALL OF THE COMMISSIONER OR AT THE CALL OF THE CHAIR OF THE COUNCIL. THE DEPARTMENT AND THE STATE COUNCIL ON THE ARTS SHALL PROVIDE TO THE COUNCIL ANY ASSISTANCE NECESSARY. THE PURPOSE OF THE COUNCIL SHALL BE TO ADVISE LOCAL GOVERNMENTS ON APPLICATION FOR CULTURAL DEVELOPMENT AREAS, TO PROVIDE ASSISTANCE IN COMPLETING AN APPLICATION FOR DESIGNATION OF A CDA (INCLUDING AIDING APPLICANTS IN RECTIFYING AN APPLICATION WHICH HAS NOT BEEN APPROVED BY THE COMMISSIONER), AND TO MAKE RECOMMENDATIONS TO THE DEPARTMENT ON CULTURAL DEVELOPMENT AREAS. IN CARRYING OUT ITS RESPONSIBILITIES PURSUANT TO THIS SECTION, THE COUNCIL SHALL ASSIST THE DEPARTMENT IN OBTAINING ANY INFORMATION AS MAY BE NECESSARY FOR APPROVING A CULTURAL DEVELOPMENT AREA.

S 6.10. NEW YORK STATE CULTURAL DEVELOPMENT AREAS EVALUATION. THE COMMISSIONER SHALL CONTRACT WITH A STATEWIDE ARTS ORGANIZATION ENTITY INDEPENDENT OF THE DEPARTMENT, AS REQUIRED BY THIS ARTICLE, TO CONDUCT AND SUBMIT TO THE GOVERNOR AND THE LEGISLATURE BY NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, A COMPREHENSIVE EVALUATION OF THE PERFORMANCE OF THE AREAS PROGRAM AND OF INDIVIDUAL AREAS ON MEETING CRITERIA ESTABLISHED PURSUANT TO THIS ARTICLE. THE EVALUATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

1. WHETHER QUANTIFIABLE BENEFITS ATTRIBUTABLE TO THE PROGRAM JUSTIFY ITS DIRECT COSTS TO THE STATE AND PARTICIPATING LOCALITIES.

2. WHETHER THE PROGRAM HAS CONTRIBUTED TO THE ECONOMIC REVITALIZATION OF THE AREAS BY STIMULATING:

(A) THE CREATION AND RETENTION OF PERMANENT, FULL-TIME, QUALITY JOBS, AS MEASURED ON A FULL-TIME EQUIVALENCY BASIS;

(B) THE CREATION, LOCATION AND EXPANSION OF ARTS CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES IN THE AREAS;

(C) CAPITAL AND HUMAN RESOURCE INVESTMENTS BY AREA ENTITIES, INCLUDING ARTS CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES, AND BUSINESS DEVELOPMENT, INCLUDING TOURISM DEVELOPMENT, WITHIN THE AREAS AND THE SURROUNDING AREAS; AND

(D) PUBLIC AND PRIVATE INVESTMENTS IN AREA ENTITIES, INCLUDING ARTS CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES, AND ECONOMIC AND COMMUNITY DEVELOPMENT ACTIVITIES IMPORTANT FOR ECONOMIC REVITALIZATION.

3. WHETHER THE PROGRAM HAS CREATED EMPLOYMENT AND ARTS CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES DEVELOPMENT OPPORTUNITIES FOR RESIDENTS OF THE AREAS AND JOB TRAINING OPPORTUNITIES FOR RESIDENTS AND EMPLOYEES OF SUCH AREA ENTITIES.

4. WHETHER THE PROGRAM HAS:

(A) RESULTED IN NEW AND IMPROVED LOCAL ADMINISTRATIVE CAPACITY WITHIN THE AREAS TO PLAN FOR AND CAPTURE ECONOMIC OPPORTUNITIES AND DELIVER AND COORDINATE ECONOMIC, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT SERVICES, AND

(B) INCREASED COMMITMENTS OF LOCAL RESOURCES TO AREA REVITALIZATION, INCLUDING SUPPORT FROM THE BUSINESS COMMUNITY.

5. WHETHER THE PROGRAM HAS STIMULATED ASSISTANCE FROM STATE, FEDERAL AND OTHER ECONOMIC, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT PROGRAMS RELATIVE TO OTHER AREAS AND IMPROVED THE DELIVERY AND COORDINATION OF STATE SERVICES TO THE AREAS.

6. WHETHER THE PROGRAM IS BEING MANAGED AND EVALUATED EFFECTIVELY AT STATE AND LOCAL LEVELS.

S 6.11. SPECIAL PROVISIONS RELATING TO CULTURAL DEVELOPMENT AREAS. BENEFITS PROVIDED TO ENTITIES AND ACTIVITIES WITHIN A CULTURAL DEVELOPMENT AREA INCLUDE THE FOLLOWING:

1. REAL PROPERTY TAXES. A CULTURAL FACILITY PROJECT IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR A REAL PROPERTY TAX EXEMPTION PURSUANT TO SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW, AS IF SUCH PROJECT WERE REAL PROPERTY CONSTRUCTED, ALTERED, INSTALLED OR IMPROVED IN AN EMPIRE ZONE. SOLELY FOR PURPOSES OF BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" IN SUCH SECTION FOUR HUNDRED EIGHTY-FIVE-E SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND REAL PROPERTY ELIGIBLE FOR SUCH EXEMPTION SHALL BE LIMITED TO A CULTURAL FACILITY, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

2. CERTAIN UTILITY TAXES. AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH AN ARTS CORPORATION IS A PARTNER IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR THE REDUCTION IN UTILITY COSTS OF NON-RETAIL BUSINESS CUSTOMERS AND A CORRELATIVE TAX CREDIT PROVIDED TO NON-RETAIL BUSINESS CUSTOMERS IN AN EMPIRE ZONE PURSUANT TO SUBDIVISION EIGHT OF SECTION ONE HUNDRED EIGHTY-SIX-A OF THE TAX LAW. SOLELY FOR PURPOSES OF BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" IN SUCH SECTION ONE HUNDRED EIGHTY-SIX-A OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND NON-RETAIL BUSINESS CUSTOMERS ELIGIBLE FOR SUCH EXEMPTION SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR ANCILLARY BUSINESS AND SERVICES, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE, WITHOUT REGARD TO WHETHER SUCH ENTITY IS RETAIL OR NON-RETAIL.

3. INVESTMENT TAX CREDIT AND EMPLOYMENT INCENTIVE CREDIT. AN ARTS CORPORATION OR A CULTURAL FACILITY PROJECT IN A CULTURAL DEVELOPMENT

AREA SHALL BE ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OF THE TAX LAW (FRANCHISE TAX), BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN A CULTURAL DEVELOPMENT AREA, TO THE EXTENT THAT A TAXPAYER WOULD BE ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OF THE TAX LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN AN EMPIRE ZONE, PURSUANT TO SUBDIVISIONS TWELVE-B AND TWELVE-C OF SECTION TWO HUNDRED TEN OF THE TAX LAW. SOLELY FOR PURPOSES OF BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISIONS TWELVE-B AND TWELVE-C OF SECTION TWO HUNDRED TEN OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH CREDIT SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

4. INVESTMENT TAX CREDIT. AN ARTS CORPORATION OR A CULTURAL FACILITY PROJECT IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR A CREDIT AGAINST THE TAX IMPOSED UNDER ARTICLE TWENTY-TWO OF THE TAX LAW (PERSONAL INCOME TAX), BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN SUCH CULTURAL DEVELOPMENT AREA TO THE EXTENT THAT A TAXPAYER WOULD BE ELIGIBLE FOR A CREDIT BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN AN EMPIRE ZONE PURSUANT TO SUBSECTION (J) OF SECTION SIX HUNDRED SIX OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBSECTION (J) OF SECTION SIX HUNDRED SIX OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH CREDIT SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

5. WAGE TAX CREDIT. AN ARTS CORPORATION OR A CULTURAL FACILITY PROJECT IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR CREDITS AGAINST THE TAXES IMPOSED UNDER ARTICLES NINE-A (FRANCHISE TAX), TWENTY-TWO (PERSONAL INCOME TAX), THIRTY-TWO (FRANCHISE TAX ON BANKING CORPORATIONS) AND THIRTY-THREE (FRANCHISE TAX ON INSURANCE CORPORATIONS) OF THE TAX LAW, BASED ON WAGES PAID TO CERTAIN EMPLOYEES BY SUCH ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR ANCILLARY BUSINESS AND SERVICES TO THE EXTENT THAT A BUSINESS LOCATED IN AN EMPIRE ZONE OR IN AN EQUIVALENT AREA WOULD BE ELIGIBLE FOR CREDITS AGAINST THE TAXES IMPOSED UNDER ARTICLES NINE-A, TWENTY-TWO, THIRTY-TWO AND THIRTY-THREE OF THE TAX LAW, BASED ON WAGES PAID TO CERTAIN EMPLOYEES EMPLOYED BY IT PURSUANT TO SUBDIVISION NINETEEN OF SECTION TWO HUNDRED TEN, SUBSECTION (K) OF SECTION SIX HUNDRED SIX, SUBSECTION (E) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN, RESPECTIVELY, OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISION NINETEEN OF SECTION TWO HUNDRED TEN, SUBSECTION (K) OF SECTION SIX HUNDRED SIX, SUBSECTION (E) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN, RESPECTIVELY, OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH CREDIT SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

6. SALES AND USE TAX. AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP OF WHICH AN ARTS CORPORATION IS A PARTNER IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR REFUND OR CREDIT OF PAYMENTS OF CERTAIN TAXES IMPOSED UNDER ARTICLE TWENTY-EIGHT (SALES AND COMPENSATING USE TAXES) AND, AT LOCAL OPTION, PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE (TAXES AUTHORIZED FOR CITIES, COUNTIES AND SCHOOL DISTRICTS) OF THE TAX LAW, WITH RESPECT TO PURCHASES OF MATERIALS USED IN CONSTRUCTING, EXPANDING OR REHABILITATING CERTAIN BUSINESS PROPERTY TO THE EXTENT THAT A BUSINESS LOCATED IN AN EMPIRE ZONE, WOULD BE ELIGIBLE FOR REFUND OR CREDIT OF PAYMENTS OF SUCH TAXES PURSUANT TO SUBDIVISION (A) OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISION (A) OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH REFUND OR CREDIT SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

7. GAS OR ELECTRIC RATES. AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP OF WHICH AN ARTS CORPORATION IS A PARTNER IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR AVAILABILITY OF SPECIAL RATES GOVERNING THE PROVISION OF GAS OR ELECTRIC SERVICE TO THE EXTENT AND FOR THE DURATION THAT A BUSINESS ENTERPRISE WOULD BE ELIGIBLE FOR EMPIRE ZONE RATES GOVERNING THE PROVISION OF GAS OR ELECTRIC SERVICE PURSUANT TO SUBDIVISION TWELVE-C OF SECTION SIXTY-SIX OF THE PUBLIC SERVICE LAW. SOLELY FOR PURPOSES OF COMPUTING SUCH RATES PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISION TWELVE-C OF SECTION SIXTY-SIX OF THE PUBLIC SERVICE LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND ENTERPRISES ELIGIBLE FOR SUCH RATES SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

8. CAPITAL CORPORATION. A TAXPAYER MAKING QUALIFIED INVESTMENTS IN OR CONTRIBUTIONS TO CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS SHALL BE ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLES NINE-A (FRANCHISE TAX), TWENTY-TWO (PERSONAL INCOME TAX), THIRTY-TWO (FRANCHISE TAX ON BANKING CORPORATIONS) AND THIRTY-THREE (FRANCHISE TAXES ON INSURANCE CORPORATIONS) OF THE TAX LAW, TO THE EXTENT THAT A TAXPAYER MAKING SIMILAR QUALIFIED INVESTMENTS IN OR CONTRIBUTIONS TO EMPIRE ZONE CAPITAL CORPORATIONS WOULD BE ELIGIBLE FOR SUCH CREDITS PURSUANT TO SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (L) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX, AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING SUCH RATES PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE CAPITAL CORPORATION" USED IN SUCH SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (L) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX, AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW SHALL BE DEEMED TO MEAN AND INCLUDE A CULTURAL DEVELOPMENT AREA CAPITAL CORPORATION.

S 6.12. DIVISION OF TAXES BY GOVERNMENTAL BODIES. 1. THE GOVERNING BOARD OF ANY CITY, TOWN, VILLAGE OR COUNTY IN WHICH A CULTURAL DEVELOPMENT AREA IS LOCATED IS HEREBY AUTHORIZED AND EMPOWERED TO:

(A) ADOPT A LOCAL LAW PROVIDING THAT ANY TAXES LEVIED BY OR ON BEHALF OF SUCH CITY, TOWN, VILLAGE OR COUNTY UPON TAXABLE REAL PROPERTY IN SUCH AREA SHALL BE DIVIDED BASED ON THE AREA'S ORIGINAL TAXABLE VALUE AND ITS INCREMENTAL VALUE AS DETERMINED IN SUBDIVISIONS THREE AND SIX OF THIS SECTION, PROVIDED HOWEVER, THAT NO CITY, TOWN, VILLAGE OR COUNTY MAY ADOPT A LOCAL LAW PROVIDING FOR SUCH A DIVISION OF TAXES IF:

(I) THE ORIGINAL TAXABLE VALUE OF THE AREA INVOLVED EXCEEDS A FIGURE EQUAL TO TWENTY PERCENT OF THE TOTAL ASSESSED VALUE OF THAT MUNICIPALITY, EXCLUSIVE OF ANY INCREMENTAL VALUES FOR SUCH AREAS; OR

(II) THE LAND AREA OF THE AREA INVOLVED EXCEEDS A FIGURE EQUAL TO TWENTY PERCENT OF THE TOTAL LAND AREA OF THE MUNICIPALITY.

(B) ADOPT A LOCAL LAW ESTABLISHING A SPECIAL CULTURAL DEVELOPMENT AREA TAX INCREMENT FUND AND PROVIDING FOR THE DEPOSIT OF MONEYS INTO SUCH FUND PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION.

2. IN NO EVENT SHALL THE DIVISION OF TAXES PURSUANT TO THIS SECTION BE CONSTRUED AS RELIEVING PROPERTY OWNERS WITHIN THE DESIGNATED AREA OF THEIR OBLIGATION FOR PAYING THE TAXES, IF ANY, LEVIED UPON THE ASSESSED VALUE OF THEIR TAXABLE REAL PROPERTY.

3. AS SOON AS POSSIBLE AFTER ANY LOCAL LEGISLATIVE BODY HAS ADOPTED A LOCAL LAW AS PROVIDED FOR IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, THE ASSESSOR WHO PREPARES THE ASSESSMENT ROLL USED FOR THE LEVY OF SUCH COUNTY, CITY, TOWN AND VILLAGE TAXES SHALL CERTIFY THE "ORIGINAL TAXABLE VALUE" OF EACH LOT AND PARCEL OF TAXABLE REAL PROPERTY IN THE AREA INVOLVED. FOR THE PURPOSES OF THIS SECTION, "ORIGINAL TAXABLE VALUE" SHALL BE THE ASSESSED VALUE AS OF THE LAST TAXABLE STATUS DATE BEFORE THE DATE ON WHICH A LOCAL LAW AUTHORIZING THE DIVISION OF TAXES WAS ADOPTED.

4. WHENEVER ANY PROPERTY IN SUCH AN AREA IS OWNED BY THE CITY, TOWN, VILLAGE OR COUNTY INVOLVED AND IS LEASED TO ANY PERSON OR PERSONS, SUCH PROPERTY SHALL BE ASSESSED AND TAXED IN THE SAME MANNER AS PRIVATELY OWNED PROPERTY, AND THE LEASE OR CONTRACT BETWEEN THE CITY, TOWN, VILLAGE OR COUNTY INVOLVED AND SUCH PERSON OR PERSONS SHALL PROVIDE THAT THE LESSEE SHALL PAY TAXES UPON THE ASSESSED VALUE OF THE ENTIRE PROPERTY AND NOT MERELY UPON THE ASSESSED VALUE OF HIS, HER OR ITS LEASEHOLD INTEREST.

5. IN EACH YEAR SUBSEQUENT TO THE DETERMINATION OF THE ORIGINAL TAXABLE VALUE OF EACH LOT AND PARCEL OF TAXABLE REAL PROPERTY IN SUCH AN AREA THE ASSESSOR SHALL COMPUTE AND CERTIFY THE NET AMOUNT BY WHICH THE TAXABLE VALUE OF ALL SUCH LOTS AND PARCELS HAS INCREASED OR DECREASED IN COMPARISON WITH THE ORIGINAL TAXABLE VALUE OF ALL SUCH LOTS AND PARCELS. THE NET AMOUNT OF THE INCREASE OR DECREASE IS REFERRED TO IN THIS SECTION AS THE "INCREMENTAL VALUE" OR THE "LOST VALUE" FOR THAT YEAR, AS THE CASE MAY BE.

6. IN ANY YEAR WHEN THERE IS AN INCREMENTAL VALUE, THE TAX LEVYING BODY SHALL EXTEND THE TAXES OF EACH CITY, TOWN, VILLAGE OR COUNTY, WHICH HAS ADOPTED A LOCAL LAW PURSUANT TO THIS SECTION, AGAINST THE INCREMENTAL VALUE AS WELL AS THE ORIGINAL TAXABLE VALUE, AND THE AMOUNT OF TAXES RECEIVED FROM SUCH EXTENSION AGAINST THE INCREMENTAL VALUE IS REFERRED TO IN THIS SECTION AS THE TAX INCREMENT FOR THAT YEAR.

7. THE CITY, TOWN, VILLAGE OR COUNTY OFFICIAL RESPONSIBLE FOR RECEIVING REAL PROPERTY TAX PAYMENTS SHALL SEGREGATE EACH YEAR ALL TAX INCREMENTS FROM THE DESIGNATED AREA AND TRANSMIT SUCH INCREMENTS TO THE CITY, TOWN, VILLAGE OR COUNTY TREASURER WHO SHALL DEPOSIT SUCH MONIES IN A SPECIAL CULTURAL DEVELOPMENT AREA TAX INCREMENT FUND FROM WHICH THE LOCAL LEGISLATIVE BODY MAY AUTHORIZE PAYMENTS FOR INFRASTRUCTURE

IMPROVEMENTS AUTHORIZED IN SUCH MUNICIPALITY'S CULTURAL DEVELOPMENT AREA DEVELOPMENT PLAN FOR THE AREA INVOLVED.

8. IN THE EVENT THAT ANY STATE OR LOCAL LAW GOVERNING THE CLASSIFICATION OF REAL PROPERTY AND THEREBY DETERMINING THE PERCENTAGE OF MARKET VALUE TO BE ASSESSED FOR REAL PROPERTY TAXATION PURPOSES IS AMENDED HEREAFTER, THE INCREASE OR DECREASE IN ASSESSED VALUATION RESULTING THEREFROM SHALL BE APPLIED PROPORTIONATELY IN EACH YEAR THEREAFTER TO THE ORIGINAL TAXABLE VALUE AND INCREMENTAL VALUE OF THE AREA INVOLVED.

9. THE LOCAL LEGISLATIVE BODY OF THE CITY, TOWN, VILLAGE OR COUNTY OR ITS DESIGNATED AGENCY MAY INVEST ANY FUNDS IN THE SPECIAL CULTURAL DEVELOPMENT AREA TAX INCREMENT FUND NOT REQUIRED FOR IMMEDIATE DISBURSEMENT, IN PROPERTY OR SECURITIES IN WHICH PUBLIC BODIES MAY INVEST FUNDS SUBJECT TO THEIR CONTROL.

10. IN ANY YEAR WHEN THERE IS A LOST VALUE, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY.

S 6.13. CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS. 1. NO MORE THAN THREE CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS MAY BE ESTABLISHED IN EACH CULTURAL DEVELOPMENT AREA FOR THE PURPOSE OF RAISING FUNDS THROUGH PRIVATE AND PUBLIC GRANTS, DONATIONS OR INVESTMENTS, TO BE USED IN MAKING INVESTMENTS IN, AND LOANS TO, ENTITIES CERTIFIED PURSUANT TO THIS ARTICLE. AN AREA CAPITAL CORPORATION MAY SERVE ONE OR MORE AREAS WITHIN AN ECONOMIC DEVELOPMENT REGION OR AREAS WITHIN TWO OR MORE REGIONS. PRIOR TO THE ESTABLISHMENT OF AN AREA CAPITAL CORPORATION, THE AREA BOARD AND THE COMMISSIONER SHALL APPROVE THE FORMATION OF THE PROPOSED AREA CAPITAL CORPORATION, ITS BOARD OF DIRECTORS AND MANAGEMENT, AND ITS PROCEDURES FOR MAKING, SERVICING AND MONITORING INVESTMENTS. IN NO EVENT, HOWEVER, SHALL A CAPITAL CORPORATION ACQUIRE AN OWNERSHIP INTEREST IN ANY CERTIFIED ENTITY WHICH AMOUNTS TO MORE THAN TWENTY-FIVE PERCENT OF THE OWNERSHIP INTEREST OF SUCH ENTITY. NO LOAN TO OR INVESTMENT IN ANY ENTITY SHALL BE MADE BY A CAPITAL CORPORATION LOCATED IN AN AREA WITHIN A TOWN WITH A POPULATION OF MORE THAN TWENTY-FIVE THOUSAND, UNTIL SUCH CORPORATION HAS ACCUMULATED AT LEAST TWO HUNDRED THOUSAND DOLLARS IN CAPITAL STOCK. NO LOAN OR INVESTMENT IN ANY ENTITY SHALL BE MADE BY A CAPITAL CORPORATION LOCATED IN AN AREA WITHIN A TOWN WITH A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND UNTIL SUCH CORPORATION HAS ACCUMULATED AT LEAST ONE HUNDRED THOUSAND DOLLARS IN CAPITAL STOCK. AN AREA CAPITAL CORPORATION SHALL SUBMIT TO THE AREA BOARD AN ANNUAL REPORT ON ITS ACTIVITIES.

2. EACH AREA CAPITAL CORPORATION SHALL ESTABLISH AN INVESTMENT COMMITTEE FOR THE PURPOSE OF EVALUATING APPLICATIONS FOR LOANS AND EQUITY INVESTMENTS. EACH COMMITTEE SHALL BE COMPRISED OF MEMBERS WHO POSSESS THE REQUISITE BUSINESS AND FINANCIAL EXPERTISE NECESSARY TO EVALUATE APPLICATIONS FOR LOANS AND/OR EQUITY INVESTMENTS.

3. EACH AREA CAPITAL CORPORATION SHALL, TO THE MAXIMUM EXTENT FEASIBLE, UNDERTAKE MEASURES AND PROCEDURES TO ENSURE MEANINGFUL PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN THE ACTIVITIES AND INVESTMENTS OF SUCH CORPORATION. EACH SUCH CORPORATION SHALL ADDITIONALLY, TO THE MAXIMUM EXTENT FEASIBLE, UNDERTAKE MEASURES AND PROCEDURES TO ENSURE MEANINGFUL PARTICIPATION BY LOCALLY OWNED BUSINESS ENTERPRISES IN THE ACTIVITIES AND INVESTMENTS OF SUCH CORPORATION.

4. THE TOTAL AMOUNT OF TAX CREDITS AVAILABLE TO EACH AREA PURSUANT TO SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (1) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW, SHALL BE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, (PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE CREDITS AVAILABLE IN ANY AREA EXCEED FIVE

HUNDRED THOUSAND DOLLARS IN THE CASE OF QUALIFIED INVESTMENTS IN CERTIFIED ARTS CORPORATIONS).

5. APPORTIONMENT OF CREDITS WITHIN AN AREA BETWEEN CAPITAL INVESTMENTS IN AND CONTRIBUTIONS TO AREA CAPITAL CORPORATIONS, DIRECT INVESTMENTS IN CERTIFIED AREA BUSINESSES OR CONTRIBUTIONS TO COMMUNITY DEVELOPMENT PROJECTS WILL BE DETERMINED AND ACCOUNTED FOR BY THE LOCAL AREA ADMINISTRATIVE BOARD IN CONSULTATION WITH THE AREA ADMINISTRATIVE ENTITY, SUBJECT TO REGULATIONS PROMULGATED BY THE COMMISSIONER. CREDITS NOT USED BY AN AREA WITHIN FOUR YEARS OF THEIR APPORTIONMENT MAY, AFTER A PUBLIC HEARING, BE REALLOCATED PURSUANT TO SUCH REGULATIONS. CERTIFICATIONS UNDER SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (1) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION.

6. THE COMMISSIONER SHALL PROMULGATE REGULATIONS GOVERNING THE CRITERIA OF ELIGIBILITY FOR THE TAX CREDITS APPLICABLE TO DIRECT EQUITY INVESTMENTS IN CERTIFIED AREA ENTITIES AND TO CONTRIBUTIONS TO COMMUNITY DEVELOPMENT PROJECTS PROVIDED FOR IN THIS SECTION. SUCH REGULATIONS SHALL ESTABLISH REQUIREMENTS INCLUDING, BUT NOT LIMITED TO:

(A) A DEMONSTRATION THAT THE INVESTMENT WILL CONTRIBUTE, SIGNIFICANTLY, TO AN ACTIVITY HAVING TANGIBLE ECONOMIC BENEFITS, SUCH AS START-UP, EXPANSION OR MODERNIZATION OF SUCH AREA ENTITY;

(B) A DEMONSTRATION THAT THE INVESTMENT WILL SIGNIFICANTLY CONTRIBUTE TO DEVELOPMENT, CONTINUATION, PRESERVATION, OR ENHANCEMENT OF ONE OR MORE ARTS AND CULTURAL CORPORATIONS;

(C) A DEMONSTRATION THAT THE INVESTMENT IS NECESSARY TO THE PRESERVATION OF CULTURAL HERITAGE;

(D) A DEMONSTRATION THAT THE DIRECT EQUITY INVESTMENT WILL LEAD TO DEVELOPMENT WITHIN THE AREA OF ADDITIONAL ARTS CORPORATIONS AND ANCILLARY BUSINESSES AND SERVICES, OR THE DEVELOPMENT OF INFRASTRUCTURE THAT WILL STIMULATE THE DEVELOPMENT OF AN ARTS COMMUNITY WITHIN THE CULTURAL DEVELOPMENT AREA;

(E) A DEMONSTRATION THAT THE CERTIFIED AREA ENTITY HAS THE POTENTIAL TO CREATE JOBS, MEASURED ON A FULL-TIME EQUIVALENCY BASIS; AND

(F) A DEMONSTRATION THAT THE DIRECT EQUITY INVESTMENT IS NECESSARY TO INCREASE THE AMOUNT OF CAPITAL AVAILABLE TO THE CERTIFIED AREA ENTITY, PROVIDED, HOWEVER, THAT SUCH INVESTMENT IS NOT INTENDED NOR SHALL IT BE USED TO REFINANCE EXISTING DEBT OR REPLACE EXISTING EQUITY IN SUCH AREA BUSINESS.

7. IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE, THE AREA ADMINISTRATIVE BOARD SHALL, CONSISTENT WITH THE REGULATIONS PROMULGATED BY THE COMMISSIONER, DETERMINE THE ELIGIBILITY OF DIRECT EQUITY INVESTMENTS IN CERTIFIED AREA ENTITIES AND CONTRIBUTIONS TO COMMUNITY CULTURAL DEVELOPMENT PROJECTS FOR THE TAX CREDITS AVAILABLE TO SUCH AREA. SUCH DETERMINATION BY THE AREA ADMINISTRATIVE BOARD SHALL BE SUBJECT TO REVIEW BY THE COMMISSIONER IN HIS OR HER DISCRETION. THE COMMISSIONER, UPON REVIEW OF AN AREA BOARD DETERMINATION MADE PURSUANT TO THIS SUBDIVISION, SHALL ACCEPT OR REJECT SUCH DETERMINATION AS MAY BE DEEMED APPROPRIATE.

S 6.14. APPROVAL OF CULTURAL DEVELOPMENT AREAS. 1. THE COMMISSIONER SHALL APPROVE THE DESIGNATION OF A CULTURAL DEVELOPMENT AREA IN WRITING WITHIN NINETY DAYS OF SUBMISSION TO HIM OR HER BY THE LOCAL GOVERNMENT FOR SUCH APPROVAL IF HE OR SHE SHALL FIND THAT THE AREA MEETS THE CRITERIA ESTABLISHED BY THIS ARTICLE FOR SUCH DESIGNATION. IF THE COMMISSIONER SHALL FIND THAT THE APPLICATION DOES NOT MEET THE CRITERIA, HE OR SHE SHALL RESPOND TO THE APPLICANT IN WRITING WITHIN SUCH NINETY DAY PERIOD

STATING THE REASONS THE APPLICATION DOES NOT MEET THE CRITERIA AND IS NOT APPROVED. THE COMMISSIONER SHALL REFER AN APPLICATION THAT IS NOT APPROVED TO THE NEW YORK STATE ARTS AND CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL WHICH SHALL AID THE APPLICANT IN RECTIFYING THE APPLICATION. AN APPLICATION WHICH IS NOT APPROVED MAY BE RESUBMITTED AT ANY TIME.

2. A LOCAL GOVERNMENT SHALL SUBMIT WRITTEN DOCUMENTATION IN A FORM AND MANNER PRESCRIBED BY THE COMMISSIONER BY REGULATIONS PROMULGATED BY THE COMMISSIONER SHOWING THAT IT HAS MET SUCH CRITERIA. THE CHIEF EXECUTIVE OF THE LOCAL GOVERNMENT SHALL ENSURE THAT THE INFORMATION CONTAINED THEREIN, TO THE MAXIMUM EXTENT POSSIBLE, IS ACCURATE AND COMPLETE. EACH SUCH APPLICATION SHALL INCLUDE THE CDA PLAN AND ADDITIONALLY SHALL:

(A) INCLUDE EVIDENCE OF THE ADOPTION OF A CDA DEVELOPMENT PLAN BY THE LOCAL GOVERNING BODY OF THE AREA IN WHICH THE CDA IS TO BE LOCATED;

(B) IDENTIFY THE LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER AND LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD;

(C) INCLUDE A MAP OF THE AREA COMPRISING THE PROPOSED CULTURAL DEVELOPMENT AREA SHOWING EXISTING STREETS, HIGHWAYS, WATERWAYS, NATURAL BOUNDARIES AND OTHER PHYSICAL FEATURES;

(D) INCLUDE EVIDENCE THAT THE APPLICANT HAS, TO THE MAXIMUM EXTENT FEASIBLE, SOLICITED AND CONSIDERED THE VIEWS OF RESIDENTS OF THE PROPOSED CDA AND THE LOCAL GOVERNMENTAL AND PRIVATE ORGANIZATIONS REPRESENTING SUCH RESIDENTS;

(E) INCLUDE A STATEMENT FROM THE PRIVATE INDUSTRY COUNCIL GOVERNING BOARD OF THE SERVICE DELIVERY AREA ESTABLISHED UNDER THE JOB TRAINING PARTNERSHIP ACT (P.L. 97-300, AS AMENDED) THAT ENCOMPASSES THE PROPOSED CDA SETTING FORTH THE ASSISTANCE TO BE PROVIDED AND THE RESOURCES TO BE ALLOCATED FOR THE TRAINING OF RESIDENTS IN THE AREA AND THE OPERATION OF JOB TRAINING PROGRAMS;

(F) INCLUDE A STATEMENT FROM THE INDUSTRIAL DEVELOPMENT AUTHORITY SERVING THE MUNICIPALITY IN WHICH THE AREA IS LOCATED AND FROM ANY OTHER DEVELOPMENT FINANCE ENTITY SUPPORTED BY PUBLIC MONEY SETTING FORTH THE ASSISTANCE TO BE PROVIDED AND THE RESOURCES TO BE ALLOCATED TO DEVELOPMENT ACTIVITIES IN THE AREA;

(G) SPECIFY GOALS AND OBJECTIVES, BOTH SHORT TERM AND LONG TERM, FOR THE ECONOMIC REVITALIZATION OF THE PROPOSED AREA;

(H) INCLUDE A DESCRIPTION OF PLANS AND STRATEGIES FOR PROVIDING AND IMPROVING HUMAN RESOURCE DEVELOPMENT SERVICES TO RESIDENTS OF THE AREA COMPRISING THE PROPOSED AREA AND TO EMPLOYEES OF BUSINESSES WITHIN SAID AREA, AND THE METHODS BY WHICH PERFORMANCE IN IMPLEMENTING SAID PLANS AND STRATEGIES WILL BE EVALUATED;

(I) IDENTIFY FINANCIAL COMMITMENTS THE LOCAL GOVERNMENT WILL MAKE TO THE AREA FOR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, MARKETING OF THE AREA FOR DEVELOPMENT, HUMAN RESOURCE SERVICES FOR AREA RESIDENTS AND ENTITIES, AND SERVICES FOR SMALL AND MINORITY AND WOMEN-OWNED BUSINESSES;

(J) IDENTIFY PUBLICLY CONTROLLED AND OTHER DEVELOPABLE LANDS AND BUILDINGS WITHIN THE PROPOSED AREA WHICH ARE OR COULD BE MADE AVAILABLE FOR DEVELOPMENT; AND

(K) PROVIDE DOCUMENTATION CONCERNING THE LEVEL OF LOCAL PARTICIPATION INCLUDING, BUT NOT LIMITED TO, LOCAL TAX INCENTIVES AND THE PROVISION OF LOCAL SERVICES.

S 6.15. LOCAL ADMINISTRATION OF CULTURAL DEVELOPMENT AREAS. 1. THE LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER SHALL NOT SERVE ON THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD AND SHALL, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER PURSUANT TO THIS

ARTICLE, JOINTLY CERTIFY TOGETHER WITH THE COMMISSIONER AND, IF THE ENTITY IS AN ARTS CORPORATION, WITH THE CHAIRPERSON OF THE COUNCIL ON THE ARTS, THOSE ENTITIES ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, THAT SUCH CERTIFICATION SHALL BE GOVERNED BY CRITERIA INCLUDING, BUT NOT LIMITED TO,

(A) WHETHER THE ENTITY, IF CERTIFIED, IS REASONABLY LIKELY TO CREATE NEW EMPLOYMENT OR PREVENT A LOSS OF EMPLOYMENT IN THE AREA;

(B) WHETHER SUCH NEW EMPLOYMENT OPPORTUNITIES WILL BE FOR INDIVIDUALS WHO WILL PERFORM A SUBSTANTIAL PART OF THEIR EMPLOYMENT ACTIVITIES IN THE AREA;

(C) WHETHER CERTIFICATION WILL HAVE THE UNDESIRED EFFECT OF CAUSING INDIVIDUALS TO TRANSFER FROM EXISTING EMPLOYMENT WITH ANOTHER ENTITY TO SIMILAR EMPLOYMENT WITH THE ENTITY SO CERTIFIED, AND TRANSFERRING EXISTING EMPLOYMENT FROM ONE OR MORE OTHER MUNICIPALITIES, TOWNS OR VILLAGES IN THE STATE, OR TRANSFERRING EXISTING EMPLOYMENT FROM ONE OR MORE OTHER BUSINESSES IN THE AREA, PROVIDED THAT THIS CRITERIA SHALL NOT BE APPLIED TO ARTS CORPORATIONS;

(D) WHETHER SUCH ENTERPRISE IS LIKELY TO ENHANCE THE ECONOMIC OR CULTURAL CLIMATE OF THE AREA;

(E) WHETHER SUCH ENTERPRISE, DURING THE THREE YEARS PRECEDING THE SUBMISSION OF AN APPLICATION FOR CERTIFICATION, HAS ENGAGED IN A SUBSTANTIAL VIOLATION OR A PATTERN OF VIOLATIONS OF LAWS REGULATING UNEMPLOYMENT INSURANCE, WORKERS' COMPENSATION, PUBLIC WORK, CHILD LABOR, EMPLOYMENT OF MINORITIES AND WOMEN, SAFETY AND HEALTH, OR OTHER LAWS FOR THE PROTECTION OF WORKERS AS DETERMINED BY FINAL JUDGMENT OF A JUDICIAL OR ADMINISTRATIVE PROCEEDING;

(F) WHETHER SUCH CERTIFICATION IS NECESSARY TO PRESERVE THE START-UP, MAINTENANCE, CONTINUATION, EXPANSION, OR FURTHER DEVELOPMENT OF AN ENTITY THAT IS AN ARTS CORPORATION OR CULTURAL FACILITY, OR IS NECESSARY FOR CULTURAL PRESERVATION OR EXPANSION OF EDUCATIONAL OPPORTUNITIES.

2. ANY ENTITY THAT APPLIES FOR ANY TAX, UTILITY RATE, OR MANAGEMENT ASSISTANCE BENEFITS PROVIDED BY THIS ARTICLE SHALL PROVIDE NINETY DAYS WRITTEN NOTICE TO THE COMMISSIONER, THE LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER, THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD AND THE EMPLOYEES OF SUCH BUSINESS ENTERPRISE OF ANY INTENT TO CLOSE OR PARTIALLY CLOSE A FACILITY WITHIN THE CULTURAL DEVELOPMENT AREA. FOR THE PURPOSES OF THIS SECTION, "CLOSING" MEANS THE PERMANENT TERMINATION OF EMPLOYMENT AT A BUSINESS FACILITY, AND "PARTIAL CLOSING" MEANS THE PERMANENT TERMINATION OF A PORTION OF THE EMPLOYMENT AT A BUSINESS FACILITY THAT WILL EITHER IMMEDIATELY REDUCE THE WORK FORCE BY AT LEAST FIFTY EMPLOYEES OR WILL REDUCE THE WORK FORCE BY AT LEAST FIFTY PERCENT OVER A ONE-YEAR PERIOD.

3. AN ARTS CORPORATION, A CULTURAL FACILITY, OR SERVICE MEETING THE REQUIREMENTS ESTABLISHED IN THIS SECTION SHALL BE CERTIFIED, AND SHALL BE ELIGIBLE FOR THE BENEFITS PROVIDED FOR IN THIS ARTICLE TO THE EXTENT PROVIDED HEREIN.

4. THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD SHALL:

(A) DEVELOP SHORT-TERM GOALS FOR AREA ACTIVITIES ON AN ANNUAL BASIS;

(B) PREPARE, OR CAUSE TO BE PREPARED, AN ANNUAL REPORT AND SUBMIT COPIES TO THE DEPARTMENT OF AUDIT AND CONTROL, DEPARTMENT OF TAXATION AND FINANCE, THE CHAIRPERSON OF THE COUNCIL ON THE ARTS, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND DEPARTMENT OF ECONOMIC DEVELOPMENT ON OR BEFORE THE FIRST DAY OF JULY NEXT SUCCEEDING THE YEAR TO WHICH THE REPORT PERTAINS, REGARDING CULTURAL DEVELOPMENT AREA ACTIVITIES, INCLUDING INFORMATION WHICH WOULD ALLOW FOR SUBSTANTIVE REVIEW OF THE AREA'S STRATEGIES AND PROGRESS OF THE AREA IN MEETING ITS

SHORT-TERM OBJECTIVES, AND AN ANALYSIS OF THE EXTENT TO WHICH THE LONG-TERM GOALS SET FORTH IN THE CULTURAL DEVELOPMENT AREA PLAN AND APPLICATION HAVE BEEN MET. THE AREA ADMINISTRATIVE ENTITIES AND OTHER LOCAL OFFICIALS AND AGENCIES SHALL FULLY COOPERATE WITH THE AREA ADMINISTRATIVE BOARD IN THE ANNUAL PERFORMANCE REVIEW AND IN THE BOARD'S PERFORMANCE OF ITS OTHER DUTIES. LOCAL OFFICIALS, STATE AGENCIES, AND CERTIFIED ENTITIES SHALL PROVIDE INFORMATION REQUESTED BY THE AREA ADMINISTRATIVE BOARD WHICH IS NECESSARY FOR SUCH REVIEW. SUCH REPORT SHALL ALSO INCLUDE A CURRENT DESCRIPTION OF THE SPECIFIC STRATEGIES AND PRIORITIES FOR ECONOMIC REVITALIZATION OF THE AREA, INCLUDING, BUT NOT LIMITED TO:

(I) THE NUMBER OF JOBS CREATED;

(II) THE NUMBER OF JOBS RETAINED;

(III) THE AMOUNT OF PRIVATE CAPITAL LEVERAGED WITH PUBLIC FUNDS;

(IV) THE NUMBER OF BUSINESSES EXPANDED OR RETAINED AND NEW BUSINESSES CREATED, AND THE TYPE OF BUSINESSES EXPANDED, RETAINED OR CREATED;

(V) THE IMPROVEMENTS IN THE PHYSICAL INFRASTRUCTURE OF THE AREA;

(VI) THE CULTURAL HERITAGE IMPROVED, ADDED TO, OR PRESERVED.

THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO SET FORTH STANDARDS TO BE USED TO MEASURE PERFORMANCE AGAINST OBJECTIVES ON AN ANNUAL BASIS IN ORDER TO FACILITATE THE REQUIREMENTS OF THIS PARAGRAPH, AND SHALL REQUIRE THAT FOR PURPOSES OF THE REPORT, ALL JOBS SHALL BE MEASURED ON A FULL-TIME EQUIVALENCY BASIS;

(C) UNDERTAKE EFFORTS TO ENSURE MEANINGFUL PARTICIPATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CULTURAL DEVELOPMENT AREA ACTIVITIES;

(D) ENTER INTO AGREEMENTS WITH THE COMMISSIONERS OF ECONOMIC DEVELOPMENT, LABOR, AND SOCIAL SERVICES, LOCAL DEPARTMENTS OF SOCIAL SERVICES, AND LOCAL EDUCATION AGENCIES AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THREE THOUSAND THIRTY-TWO OF THE EDUCATION LAW, LOCAL COMMUNITY-BASED ORGANIZATIONS, PRIVATE EMPLOYERS, LABOR UNIONS, THE ADMINISTRATIVE ENTITY AND PRIVATE INDUSTRY COUNCIL FOR THE SERVICE DELIVERY AREA ESTABLISHED UNDER THE JOB TRAINING PARTNERSHIP ACT (P.L. 97-300, AS AMENDED) THAT INCLUDES THE CULTURAL DEVELOPMENT AREA, AND ANY OTHER PERSON OR STATE OR FEDERAL AGENCY FOR THE PURPOSE OF ESTABLISHING, IMPLEMENTING AND COORDINATING JOB TRAINING PROGRAMS FOR WORKERS AND BUSINESSES TO BE LOCATED IN A CULTURAL DEVELOPMENT AREA; PROVIDED, HOWEVER, THAT:

(I) ANY AGREEMENT TO ESTABLISH A JOB TRAINING PROGRAM DESIGNED TO MEET THE SPECIFIC NEEDS OF AN EMPLOYER SHALL REQUIRE SUCH EMPLOYER TO RETAIN IN ITS EMPLOY FOR NOT LESS THAN SIX MONTHS AN EMPLOYEE WHO HAS SATISFACTORILY COMPLETED A COURSE OF TRAINING FOR A PARTICULAR JOB OPENING UNLESS SUCH EMPLOYEE VOLUNTARILY LEAVES SUCH EMPLOYMENT OR IS DISCHARGED FOR MISCONDUCT OR OTHER GOOD CAUSE, SUCH EMPLOYMENT TO BE MEASURED ON A FULL-TIME EQUIVALENCY BASIS; AND

(II) ANY JOB TRAINING PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL MAKE USE OF THE COMMUNITY SERVICE DIVISION OF THE LABOR DEPARTMENT AS WELL AS OTHER SOURCES FOR THE PURPOSE OF RECRUITMENT;

(E) IN COOPERATION WITH LOCAL SOCIAL SERVICES OFFICIALS, ESTABLISH A JOB TRAINING OPPORTUNITIES PROGRAM SPONSORED BY PRIVATE EMPLOYERS;

(F) ENTER INTO AGREEMENTS WITH LOCAL DEPARTMENTS OF SOCIAL SERVICES OR COMMUNITY-BASED ORGANIZATIONS TO FACILITATE THE PROVISION OF ANCILLARY OR ENHANCED SOCIAL SERVICES, INCLUDING LICENSED AND CERTIFIED CHILD DAY CARE, IN ANY SUCH AREA;

(G) ENSURE THAT JOB TRAINING PROGRAMS MEET STANDARDS OF INSTRUCTIONAL QUALITY ESTABLISHED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF EDUCATION;

(H) ORGANIZE OR USE AN EXISTING HUMAN RESOURCE DEVELOPMENT NETWORK WITHIN THE AREA, INCLUDING A COMMITTEE OF REPRESENTATIVES OF HUMAN RESOURCE AGENCIES AND ORGANIZATIONS SERVING THE AREA, ORGANIZED LABOR AND BUSINESS REPRESENTATIVES, TO DEVELOP STRATEGIES AND ACTIVITIES FOR IMPROVING THE COORDINATION AND DELIVERY OF HUMAN SERVICES TO RESIDENTS OF THE AREA AND AREA BUSINESSES;

(I) PREPARE AND IMPLEMENT A SMALL BUSINESS DEVELOPMENT AND ASSISTANCE PLAN;

(J) IN CONJUNCTION WITH AREA ADMINISTRATIVE ENTITIES, DEVELOP AND IMPLEMENT A SYSTEM FOR CONTINUOUS MONITORING AND EVALUATION OF AREA PERFORMANCE AT THE LOCAL LEVEL CONSISTENT WITH THE GUIDELINES SET FORTH IN THIS ARTICLE;

(K) PROVIDE WITHIN THE AREA, OR CONTRACT WITH A NEW OR EXISTING COMMUNITY-BASED LOCAL DEVELOPMENT CORPORATION OR ENTITY TO PROVIDE, STRATEGIC ECONOMIC DEVELOPMENT PLANNING FOR THE AREA, MARKETING AND PROMOTION OF THE AREA, ASSISTANCE TO ENTITIES IN APPLYING FOR AVAILABLE BENEFITS, PREPARATION OF APPLICATIONS FOR FINANCING ASSISTANCE AND OTHER TECHNICAL ASSISTANCE SERVICES; COORDINATION OF THE DELIVERY OF STATE AND LOCAL PROGRAMS WITHIN THE AREAS; AND OPERATION OF SUCH OTHER ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS IN FURTHERANCE OF THE CULTURAL DEVELOPMENT AREA PLAN AS MAY BE APPROPRIATE. PROVIDED, HOWEVER, WITHIN THE AMOUNT APPROPRIATED THEREFOR AND ALLOCATED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER, THROUGH ANNUAL ADMINISTRATIVE CONTRACTS, SHALL, TO THE MAXIMUM EXTENT FEASIBLE, MAKE EQUALLY AVAILABLE FINANCIAL SUPPORT, THROUGH CONTRACTS OR OTHER MEANS, TO ASSIST WITH THE ADMINISTRATIVE EXPENSES OF THE LOCAL AREA ADMINISTRATIVE BODIES OR COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS. NO FUNDS SHALL BE MADE AVAILABLE FOR THIS PURPOSE UNLESS THE AMOUNT TO BE PROVIDED HAS BEEN MATCHED BY PRIVATE OR GOVERNMENTAL SOURCES, OTHER THAN STATE SOURCES, IN AMOUNTS AT LEAST EQUALING THAT TO BE PROVIDED BY THE STATE. SUCH MATCHING FUNDS SHALL BE EARMARKED AND USED EXCLUSIVELY FOR THE LOCAL ADMINISTRATION OF THE AREA PROGRAM OR FOR ACTIVITIES OF THE AREA PROGRAM. AT LEAST FIFTY PERCENT OF SUCH MATCHING FUNDS SHALL BE IN CASH, PROVIDED THAT THE COMMISSIONER MAY WAIVE THIS REQUIREMENT FOR COMMUNITIES WITH POPULATIONS OF TWENTY-FIVE THOUSAND OR LESS, AND PROVIDED, FURTHER, THAT ANY AMOUNTS APPROPRIATED FOR MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT WITHIN THE AREAS SHALL BE DISTRIBUTED BY THE COMMISSIONER PURSUANT TO A COMPETITIVE PROPOSAL SOLICITATION PROCESS.

(L) THE ANNUAL REPORT OF THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD REQUIRED BY THIS SECTION SHALL, SUBJECT TO PRIVACY LIMITATIONS, INCLUDE, BUT NOT BE LIMITED TO A COMPLETE LIST OF ALL PROPERTY WITHIN THE AREA, IF ANY, GRANTED AN EXEMPTION UNDER SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW, TOGETHER WITH THE ASSESSED VALUE THEREOF AND THE AMOUNT OF SUCH EXEMPTION, FOR EACH MUNICIPAL CORPORATION WHICH GRANTED SUCH EXEMPTION. SUCH LIST SHALL ALSO SET FORTH FOR EACH MUNICIPAL CORPORATION GRANTING SUCH EXEMPTION:

(1) THE TAX RATE FOR THE YEAR TO WHICH THE REPORT PERTAINS;

(2) THE AMOUNT OF REAL PROPERTY TAX THAT WOULD HAVE BEEN PAID IN THE AGGREGATE BY THE OWNERS OF REAL PROPERTY GRANTED AN EXEMPTION UNDER SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW IF THE PROPERTY WAS FULLY TAXABLE AT THAT RATE;

(3) THE AMOUNT OF TAX ACTUALLY PAID IN THE AGGREGATE BY SUCH OWNERS;

(4) THE TOTAL INCREMENTAL VALUE, IF ANY, AS DEFINED IN SUBDIVISION (E) OF SECTION NINE HUNDRED SIXTY-SEVEN OF THE GENERAL MUNICIPAL LAW, OF TAXABLE REAL PROPERTY IN EACH CITY, TOWN, VILLAGE OR COUNTY WITHIN THE

CULTURAL DEVELOPMENT AREA, TOGETHER WITH THE TOTAL AMOUNT OF TAX INCREMENTS WHICH ARE SEGREGATED PURSUANT TO SUBDIVISION (G) OF SUCH SECTION;

(5) THE TOTAL DOLLAR VALUE OF THE REFUND OR CREDIT OF TAXES IMPOSED PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF THE TAX LAW ON RECEIPTS FROM THE SALE OF CERTAIN MATERIALS USED IN CONSTRUCTING, EXPANDING OR REHABILITATING CERTAIN BUSINESS PROPERTY LOCATED IN THE CULTURAL DEVELOPMENT AREA AS AUTHORIZED BY CLAUSE SIX OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW;

(6) THE TOTAL DOLLAR VALUE OF THE REFUND OR CREDIT OF TAXES IMPOSED UNDER ARTICLE TWENTY-EIGHT OF THE TAX LAW ON RECEIPTS FROM THE SALE OF MATERIALS USED IN CONSTRUCTING, EXPANDING OR REHABILITATING CERTAIN BUSINESS PROPERTY LOCATED IN THE CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY CLAUSE SIX OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW;

(7) THE NUMBER OF TAXPAYERS CLAIMING EACH OF THE FOLLOWING TAX CREDITS OR REFUNDS, TOGETHER WITH THE TOTAL AMOUNT OF EACH CREDIT CLAIMED BY TAXPAYERS IN THE AGGREGATE AGAINST THEIR TAXES IN THE YEAR TO WHICH THE REPORT PERTAINS, RESULTING FROM TAXPAYER ACTIVITY IN THE CULTURAL DEVELOPMENT AREA OR INVESTMENTS MADE BY TAXPAYERS IN THE CAPITAL CORPORATION ESTABLISHED FOR THAT CULTURAL DEVELOPMENT AREA:

(A) CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OF THE TAX LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN A CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY SUBDIVISIONS TWELVE-B AND TWELVE-C OF SECTION TWO HUNDRED TEN OF THE TAX LAW;

(B) CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE TWENTY-TWO OF THE TAX LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN THE CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY SUBSECTION (J) OF SECTION SIX HUNDRED SIX OF THE TAX LAW;

(C) CREDITS AGAINST TAXES IMPOSED UNDER ARTICLES NINE-A, TWENTY-TWO, THIRTY-TWO AND THIRTY-THREE OF THE TAX LAW, BASED ON WAGES PAID TO CERTAIN EMPLOYEES EMPLOYED BY A BUSINESS LOCATED IN A CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY SUBDIVISION NINETEEN OF SECTION TWO HUNDRED TEN, SUBSECTION (K) OF SECTION SIX HUNDRED SIX, SUBSECTION (E) OF SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN, RESPECTIVELY, OF THE TAX LAW;

(D) CREDITS AGAINST THE TAX LAW IMPOSED UNDER ARTICLES NINE-A, TWENTY-TWO, THIRTY-TWO AND THIRTY-THREE OF THE TAX LAW, BASED ON INVESTMENTS IN THE STOCK OF A CULTURAL DEVELOPMENT AREA CAPITAL CORPORATION, AS AUTHORIZED BY SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (1) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX, AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW;

(E) THE TOTAL AMOUNT OF REDUCTIONS IN UTILITY COSTS OF NON-RETAIL BUSINESS CUSTOMERS IN THE CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY SUBDIVISION EIGHT OF SECTION ONE HUNDRED EIGHTY-SIX-A OF THE TAX LAW;

(F) A STATEMENT SUMMARIZING ALL AMOUNTS RECEIVED AS, AND EXPENDITURES MADE FROM, FINANCIAL SUPPORT FOR ADMINISTRATIVE EXPENSES PURSUANT TO THIS SECTION; AND

(G) ANY OTHER INFORMATION REGARDING CULTURAL DEVELOPMENT AREA ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE UPON ITS OWN REQUEST OR THAT OF THE DEPARTMENT OF AUDIT AND CONTROL, DEPARTMENT OF TAXATION AND FINANCE, OR THE COUNCIL ON THE ARTS.

(8) IN ADDITION TO THE INFORMATION REQUIRED HEREINABOVE, SUCH REPORT SHALL ALSO SET FORTH, WITH RESPECT TO ALL PREVIOUS YEARS FOR WHICH REPORTS WERE ISSUED, A CUMULATIVE SUMMARY OF THE TOTAL AMOUNT OF REAL PROPERTY TAXES THAT WOULD HAVE BEEN RECEIVED BY EACH MUNICIPAL CORPO-

RATION WITHIN THE AREA IF THE REAL PROPERTY GRANTED AN EXEMPTION UNDER SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW HAD BEEN FULLY TAXED AT THE TAX RATE FOR THE APPROPRIATE YEAR, THE TOTAL AMOUNT OF TAX INCREMENTS SEGREGATED FOR INFRASTRUCTURE IMPROVEMENTS BY EACH CITY, TOWN, VILLAGE OR COUNTY WITHIN THE AREA, THE TOTAL AMOUNT OF EACH OF THE CREDITS OR REFUNDS SET FORTH IN THIS SUBDIVISION FOR ACTIVITIES OR INVESTMENTS WITHIN THE AREA, AND THE TOTAL AMOUNTS RECEIVED AND EXPENDITURES MADE FROM ANY FINANCIAL SUPPORT PURSUANT TO THIS SECTION.

(9) AT THE REQUEST OF ANY LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD, THE DEPARTMENT OF TAXATION AND FINANCE, THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE PUBLIC SERVICE COMMISSION AND ANY MUNICIPAL CORPORATION WITHIN THE CULTURAL DEVELOPMENT AREA SHALL, TO THE EXTENT THAT IT POSSESSES ANY OF THE INFORMATION REQUIRED BY THIS SECTION, AND TO THE EXTENT THAT SUCH INFORMATION CAN BE DISCLOSED WITHOUT VIOLATING THE SECRECY PROVISIONS CONTAINED IN SECTIONS TWO HUNDRED TWO, TWO HUNDRED ELEVEN, SIX HUNDRED NINETY-SEVEN, ELEVEN HUNDRED FORTY-SIX, TWELVE HUNDRED FIFTY, FOURTEEN HUNDRED SIXTY-SEVEN AND FIFTEEN HUNDRED EIGHTEEN OF THE TAX LAW, PROVIDE THAT INFORMATION TO THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD FOR INCLUSION IN ITS ANNUAL REPORT. THE AMOUNT OF ANY REAL PROPERTY TAXES REQUIRED TO BE SET FORTH IN THE REPORT PURSUANT TO THIS SECTION SHALL BE COMPUTED AND FURNISHED TO THE AREA'S ADMINISTRATIVE BOARD BY THE MUNICIPALITY WHICH LEVIED THE TAX. THE FAILURE OF ANY CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD TO PREPARE AND SUBMIT A REPORT AS REQUIRED BY THIS SECTION SHALL MAKE THE BOARD OR OTHER COMMUNITY-BASED DEVELOPMENT ORGANIZATION INELIGIBLE TO RECEIVE ANY FINANCIAL SUPPORT FOR ADMINISTRATIVE EXPENSES AUTHORIZED BY THIS SECTION; PROVIDED, HOWEVER, THAT SUCH FINANCIAL ASSISTANCE SHALL NOT BE WITHHELD ON ACCOUNT OF THE REPORT'S FAILURE TO INCLUDE ANY INFORMATION WHICH IS REQUIRED BY THIS SECTION BUT IS NOT AVAILABLE TO THE CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD.

S 6.16. DISPOSITION OF PROPERTY. 1. NOTWITHSTANDING ANY PROVISION OF ANY OTHER LAW TO THE CONTRARY, IN ORDER TO FURTHER THE PURPOSES OF THE CULTURAL DEVELOPMENT AREAS PROGRAM, ANY REAL OR PERSONAL PROPERTY LOCATED WITHIN A CULTURAL DEVELOPMENT AREA AND OWNED BY ANY LOCAL GOVERNMENTAL ENTITY IN WHOSE JURISDICTION A CULTURAL DEVELOPMENT AREA IS LOCATED, MAY BE SOLD OR LEASED FOR A TERM NOT EXCEEDING NINETY-NINE YEARS TO A PRIVATE USER, A COMMUNITY-BASED ORGANIZATION, A PUBLIC BENEFIT CORPORATION OR ANY OTHER PERSON; PROVIDED, HOWEVER, THAT EACH CONTRACT FOR SUCH SALE, AND EACH SUCH LEASE, SHALL OBLIGATE THE BUYER OR LESSEE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND THE CULTURAL DEVELOPMENT AREA DEVELOPMENT PLAN FILED WITH THE COMMISSIONER PURSUANT TO SECTION 6.05 OF THIS ARTICLE. SUCH OBLIGATIONS CONTAINED IN A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL SURVIVE DELIVERY OF THE DEED. A BREACH BY THE BUYER OR LESSEE OF A MATERIAL OBLIGATION OF SUCH CONTRACT OR LEASE SHALL, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE SELLER OR LESSOR UNDER THE CONTRACT, TERMINATE THE ELIGIBILITY OF THE BUYER OR LESSEE FOR ANY BENEFITS PROVIDED IN THIS ARTICLE.

2. ANY REAL OR PERSONAL PROPERTY OWNED BY ANY LOCAL GOVERNMENTAL ENTITY OR THE STATE AND LOCATED WITHIN A CULTURAL DEVELOPMENT AREA MAY BE SOLD OR LEASED TO ANY PERSON PURSUANT TO THIS SECTION WITHOUT PUBLIC BIDDING OR PUBLIC SALE; PROVIDED, HOWEVER, THAT THERE IS PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY IN WHICH THE CULTURAL DEVELOPMENT AREA IS LOCATED A NOTICE WHICH SHALL INCLUDE A STATEMENT OF THE IDENTITY OF THE PROPOSED PURCHASER OR LESSEE AND A DESCRIPTION OF ITS PROPOSED USE OR RE-USE OF THE PROPERTY, THE PRICE OR RENTAL TO BE PAID BY SUCH PURCHASER OR LESSEE, ALL OTHER ESSENTIAL

CONDITIONS OF SUCH SALE OR LEASE, AND A STATEMENT THAT A PUBLIC HEARING UPON SUCH SALE OR LEASE WILL BE HELD BY THE SELLER OR LESSOR OF THE PROPERTY AT A SPECIFIED TIME AND PLACE ON A DATE NOT LESS THAN TEN DAYS NOR MORE THAN THIRTY DAYS AFTER SUCH PUBLICATION, AND PROVIDED FURTHER THAT SUCH PUBLIC HEARING IS HELD IN ACCORDANCE WITH SUCH NOTICE.

S 6.17. TERMINATION OR REVISION OF A CULTURAL DEVELOPMENT AREA. 1. EXCEPT AS PROVIDED IN THIS SECTION, ANY DESIGNATION OF AN AREA AS A CULTURAL DEVELOPMENT AREA SHALL REMAIN IN EFFECT DURING THE PERIOD BEGINNING ON THE DATE OF DESIGNATION AND ENDING FIVE YEARS LATER. THE COMMISSIONER MAY REVOKE A DESIGNATION PRIOR TO SUCH DATE IF HE OR SHE FINDS THAT A PUBLIC INTEREST IS NOT BEING SERVED BY THE CULTURE AREA, OR THAT PROPOSED PROJECTS IN THE AREA HAVE NOT BEEN COMPLETED OR ARE NOT ADEQUATELY NEAR COMPLETION WITHIN THREE YEARS OF THE DATE OF DESIGNATION.

2. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET AND THE CHAIRPERSON OF THE COUNCIL ON THE ARTS, THE COMMISSIONER MAY TERMINATE THE DESIGNATION OF AN AREA AS A CULTURAL DEVELOPMENT AREA UPON A FINDING THAT:

(A) THE APPLICANT HAS FAILED SUBSTANTIALLY TO IMPLEMENT THE CULTURAL DEVELOPMENT AREA DEVELOPMENT PLAN WITHIN THE TIME STATED THEREIN;

(B) THERE HAS BEEN NO SUBSTANTIAL BUSINESS DEVELOPMENT OR JOB CREATION WITHIN THE AREA DESIGNATED AS A CULTURAL DEVELOPMENT AREA WITHIN FIVE YEARS AFTER SUCH DESIGNATION;

(C) THERE HAS BEEN INADEQUATE MANAGEMENT AND EVALUATION OF THE AREA AT THE LOCAL LEVEL; OR

(D) THE APPLICANT HAS REPEATEDLY FAILED TO COMPLY WITH PROGRAM REPORTING REQUIREMENTS,

PROVIDED, HOWEVER, THAT NO TERMINATION SHALL OCCUR UNLESS AND UNTIL WRITTEN NOTICE HAS BEEN GIVEN TO THE APPLICANT AND A PUBLIC HEARING HAS BEEN HELD THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH TERMINATION.

3. THE GOVERNING BODY OF A CITY, COUNTY, TOWN OR VILLAGE MAY, BY RESOLUTION, SUBMIT TO THE COMMISSIONER A REQUEST TO REVISE THE BOUNDARIES OF AN EXISTING CULTURAL DEVELOPMENT AREA. THE COMMISSIONER MAY, AFTER CONSULTATION WITH THE COMMISSIONER OF LABOR, APPROVE SUCH REVISION SUBJECT TO THE FOLLOWING PROVISIONS:

(A) ANY REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA SHALL BE BASED UPON A DETERMINATION BY THE COMMISSIONER THAT A CHANGE IN CIRCUMSTANCES HAS OCCURRED SINCE THE ESTABLISHMENT OF THE EXISTING BORDERS WHICH MAKES REVISION OF SUCH BORDERS NECESSARY OR DESIRABLE.

(B) THE COMMISSIONER SHALL AFFIRM THAT SUCH REVISION WOULD NOT HAVE THE EFFECT OF PRODUCING A CULTURAL DEVELOPMENT AREA WHICH DOES NOT SATISFY THE CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION ESTABLISHED BY OR PURSUANT TO THIS ARTICLE.

(C) THE COMMISSIONER MAY GRANT APPROVAL OF REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA WITHOUT PUBLIC NOTICE AND WITHOUT HEARING IF SUCH REVISION ADDS TERRITORY TO AN EXISTING CULTURAL DEVELOPMENT AREA BUT DOES NOT REMOVE TERRITORY FROM SUCH AREA.

(D) THE COMMISSIONER MAY GRANT APPROVAL OF A REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION, IF SUCH REVISION REMOVES TERRITORY FROM AN EXISTING CULTURAL DEVELOPMENT AREA.

(E) THE REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA SHALL HAVE NO EFFECT ON THE DURATION OF THE DESIGNATION OF SUCH CULTURAL DEVELOPMENT AREA AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION.

(F) ANY REQUEST TO REVISE THE BOUNDARIES OF AN EXISTING CULTURAL DEVELOPMENT AREA SUBMITTED TO THE COMMISSIONER ON OR AFTER JANUARY FIFTEENTH, TWO THOUSAND TWELVE SHALL NOT RESULT IN THE FINAL DESIGNATION OF LESS THAN FIFTY PERCENT OF THE EXISTING AREA'S UNDESIGNATED ACREAGE ON OR AFTER SUCH DATE IN MORE THAN THREE NONCONTIGUOUS AREAS. ANY REQUEST BY AN EXISTING AREA TO THE COMMISSIONER FOR THE DESIGNATION OF UP TO TWENTY-FIVE PERCENT OF THE EXISTING AREA'S REMAINING UNDESIGNATED ACREAGE ON OR AFTER SUCH DATE SHALL DEMONSTRATE THAT THE PROPOSED ACREAGE OFFERS A SIGNIFICANT CONTRIBUTION TO THE ECONOMIC REVITALIZATION OF THE AREA AND SURROUNDING AREA, TO INCLUDE THE CREATION OR RETENTION OF PRIVATE SECTOR JOBS, OR A PLAN TO DEMONSTRATE THAT THE CAPITAL, HUMAN RESOURCE, OR OTHER INVESTMENT BY BUSINESSES LOCATED WITHIN THE PROPOSED ACREAGE WILL APPROXIMATE FIFTY PERCENT OF THE PROJECTED AGGREGATE AMOUNT OF AREA BENEFITS TO BE RECEIVED BY THE CERTIFIED ENTITY LOCATED WITHIN THE PROPOSED ACREAGE DURING THE FIRST TWELVE MONTHS FOLLOWING SUCH DESIGNATION; AND THAT THE PROPOSED ACREAGE IS SERVICED, OR WILL BE SERVICED, BY PUBLIC TRANSPORTATION AVAILABLE TO AREA OR COMMUNITY RESIDENTS, OR OTHER PROSPECTIVE EMPLOYEES, IN THOSE AREAS WHERE A PUBLIC TRANSPORTATION SYSTEM ALREADY EXISTS AND WHERE SUCH SERVICE IS ECONOMICALLY FEASIBLE; BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION. PROVIDED, HOWEVER, IF AN EXISTING AREA DEMONSTRATES THAT A PROJECT WHICH WILL ENHANCE THE ECONOMIC REVITALIZATION OF THE AREA AND BENEFIT AREA RESIDENTS CANNOT BE INCLUDED WITHIN ONE OF THE THREE NONCONTIGUOUS AREAS, AND UPON THE COMMISSIONER'S DETERMINATION THAT INCLUSION OF SUCH ADDITIONAL NONCONTIGUOUS LANDS POSES SIGNIFICANT POTENTIAL FOR ECONOMIC DEVELOPMENT, TO INCLUDE JOB CREATION OF NO LESS THAN THREE HUNDRED NEW JOBS, MORE THAN TWENTY-FIVE PERCENT OF THE EXISTING AREA'S UNDESIGNATED ACREAGE ON OR AFTER JANUARY FIFTEENTH, TWO THOUSAND ELEVEN CAN BE USED IN MORE THAN THREE NONCONTIGUOUS AREAS, BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION.

(G) ANY REQUEST TO REVISE THE BOUNDARIES OF A NEW CULTURAL DEVELOPMENT AREA SUBMITTED TO THE COMMISSIONER SHALL NOT RESULT IN THE FINAL DESIGNATION OF LESS THAN FIFTY PERCENT OF THE NEW AREA'S UNDESIGNATED ACREAGE IN MORE THAN THREE NONCONTIGUOUS AREAS. ANY REQUEST BY A NEW AREA TO THE COMMISSIONER FOR THE DESIGNATION OF UP TO TWENTY-FIVE PERCENT OF THE NEW AREA'S REMAINING UNDESIGNATED ACREAGE SHALL DEMONSTRATE THAT: THE PROPOSED ACREAGE OFFERS A SIGNIFICANT CONTRIBUTION TO THE ECONOMIC REVITALIZATION OF THE AREA AND SURROUNDING AREA, TO INCLUDE THE CREATION OR RETENTION OF PRIVATE SECTOR JOBS, OR A PLAN TO DEMONSTRATE THAT THE CAPITAL, HUMAN RESOURCE, OR OTHER INVESTMENT BY BUSINESSES LOCATED WITHIN THE PROPOSED ACREAGE WILL APPROXIMATE FIFTY PERCENT OF THE PROJECTED AGGREGATE AMOUNT OF AREA BENEFITS TO BE RECEIVED BY THE CERTIFIED BUSINESSES LOCATED WITHIN THE PROPOSED ACREAGE DURING THE FIRST TWELVE MONTHS FOLLOWING SUCH DESIGNATION; AND THAT THE PROPOSED ACREAGE IS SERVICED, OR WILL BE SERVICED, BY PUBLIC TRANSPORTATION AVAILABLE TO AREA OR COMMUNITY RESIDENTS, OR OTHER PROSPECTIVE EMPLOYEES, IN THOSE AREAS WHERE A PUBLIC TRANSPORTATION SYSTEM ALREADY EXISTS AND WHERE SUCH SERVICE IS ECONOMICALLY FEASIBLE; BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION. PROVIDED, HOWEVER, IF A NEW AREA DEMONSTRATES THAT A PROJECT WHICH WILL ENHANCE THE ECONOMIC REVITALIZATION OF THE AREA AND BENEFIT AREA RESIDENTS CANNOT BE INCLUDED WITHIN ONE OF THE THREE NONCONTIGUOUS AREAS, AND UPON THE COMMISSIONER'S DETERMINATION THAT INCLUSION OF SUCH ADDITIONAL NONCONTIGUOUS LANDS POSES SIGNIFICANT

POTENTIAL FOR ECONOMIC DEVELOPMENT, TO INCLUDE JOB CREATION OF NO LESS THAN THREE HUNDRED NEW JOBS, MORE THAN TWENTY-FIVE PERCENT OF THE NEW AREA'S UNDESIGNATED ACREAGE CAN BE USED IN MORE THAN THREE NONCONTIGUOUS AREAS, BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION.

(H) IT IS THE POLICY TO ALLOW EACH AREA NO MORE THAN ONE BOUNDARY AMENDMENT WITHIN A TWELVE MONTH PERIOD. IF, HOWEVER, THERE IS A CHANGE IN CIRCUMSTANCES INVOLVING EXTENUATING FACTORS WITHIN THE YEAR (SUCH AS THE ATTRACTION/RETENTION OF A MAJOR POTENTIAL/AREA EMPLOYER, WHICH IS CONSISTENT WITH THE AREA'S DEVELOPMENT GOALS), THE REQUEST WILL BE CONSIDERED.

(I) UPON THE TERMINATION OR REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA AS PROVIDED IN THIS SECTION, THE COMMISSIONER SHALL FILE NOTICE OF SUCH ACTION AS REQUIRED BY SECTION NINE HUNDRED FIFTY-NINE OF THE GENERAL MUNICIPAL LAW.

S 6.18. RESCINDING OF LOCAL INCENTIVES. SHOULD A CERTIFIED ARTS CORPORATION IN A CDA BE DECERTIFIED, ANY LOCAL INCENTIVE PROVIDED BY SUCH MUNICIPALITY MAY BE RESCINDED BY LOCAL LAW OR RESOLUTION BY THE GOVERNING BODY OF SUCH MUNICIPALITY, NOTWITHSTANDING SUBDIVISION FIVE OF SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW.

S 3. This act shall take effect immediately.