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

3892

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. FINCH -- read once and referred to the Committee on Economic Development

AN ACT to amend the economic development law, in relation to enacting the "North Star Initiative"

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 "North Star Initiative".

S 2. The economic development law is amended by adding a new article 18 to read as follows:

ARTICLE 18

THE NORTH STAR INITIATIVE

SECTION 380. FACILITIES CLOSURE PROCESS.

381. THE NORTH STAR INITIATIVE COMMISSION.

S 380. FACILITIES CLOSURE PROCESS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO STATE-OWNED AND STATE-RUN FACILITY THAT IS SCHEDULED TO BE CLOSED SHALL CLOSE WITHIN TWO YEARS OF THE DATE OF THE NOTIFICATION OF CLOSURE. UPON NOTIFICATION, THE PROPOSED CLOSURE SHALL BE REFERRED TO THE NORTH STAR INITIATIVE COMMISSION ESTABLISHED BY SECTION THREE HUNDRED EIGHTY-ONE OF THIS ARTICLE FOR STUDY OF THE EFFECTS OF THE CLOSURE AND DEVELOPMENT OF A PLAN TO MITIGATE THE ECONOMIC IMPACT OF THE CLOSURE ON THE AFFECTED LOCAL AREA. IN NO EVENT SHALL A FACILITY BE CLOSED WITHIN TWO YEARS AFTER NOTIFICATION OF THE CLOSURE.

S 381. THE NORTH STAR INITIATIVE COMMISSION. 1. A STATE COMMISSION, TO BE KNOWN AS THE NORTH STAR INITIATIVE COMMISSION, HEREINAFTER REFERRED TO AS THE COMMISSION, IS HEREBY CREATED TO EXAMINE, EVALUATE AND DETERMINE THE APPROPRIATE HANDLING OF THE CLOSING OF STATE OWNED AND RUN FACILITIES AND TO DEVELOP A PLAN TO MITIGATE THE ECONOMIC IMPACT OF THE CLOSURE ON THE AFFECTED LOCAL AREA AS PROVIDED IN SECTION THREE HUNDRED EIGHTY OF THIS ARTICLE.

2. THE COMMISSION SHALL CONSIST OF MEMBERS AS FOLLOWS:

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

LBD03794-01-1

(A) THE CHAIR OF THE EMPIRE STATE DEVELOPMENT CORPORATION;
(B) THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPALITY AFFECTED BY CLOSURES;
(C) THE DIRECTOR OF THE ECONOMIC DEVELOPMENT AGENCY OF EACH REGION AFFECTED; AND
(D) REPRESENTATIVES FROM THE FINANCIAL, EDUCATION AND BUSINESS COMMUNITY.

3. PRIOR TO THE CLOSURE OF A STATE FACILITY, THE COMMISSION SHALL DEVELOP A PLAN TO ADDRESS THE ECONOMIC AND QUALITY OF LIFE NEEDS OF THE COMMUNITIES AFFECTED BY THE CLOSURE OF STATE FACILITIES, INCLUDING A COMPONENT FOR REPLACING LOST REVENUE THAT SIGNIFICANTLY IMPACTS THE AFFECTED COMMUNITY OR COMMUNITIES, AND A VIABLE REUSE OF THE BUILDING HOUSING THE FACILITY TO BE CLOSED IN ORDER TO ENSURE THAT ANY ENTITY CLOSINGS DESIGNED TO SAVE TAXPAYER MONEY WOULD ALLOW THE LOCALITY TO REUSE THE FORMER SITE IN A WAY THAT PROVIDES INCOME FOR THE COMMUNITY AND GIVE THE AFFECTED PERSONNEL TIME TO MAKE ARRANGEMENTS FOR A TRANSFER TO ANOTHER FACILITY OR FIND ALTERNATIVE EMPLOYMENT IN THE AREA. THE COMMISSION SHALL CREATE A VIABLE REUSE PLAN TAILORED TO AN AFFECTED LOCAL COMMUNITY'S SPECIFIC NEEDS TO MAKE UP FOR THE DEVASTATING IMPACT OF FACILITY CLOSURES ON LOCAL ECONOMIES.

4. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER. TO THE MAXIMUM EXTENT FEASIBLE, THE COMMISSION SHALL BE ENTITLED TO REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES, RESOURCES, AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT DEEMS NECESSARY OR DESIRABLE TO CARRY OUT PROPERLY ITS POWERS AND DUTIES HEREUNDER.

5. THE COMMISSION SHALL RECEIVE A BUDGET DESIGNATED IN THE DEPARTMENT'S BUDGET WHICH SHALL BE USED FOR FUNDING OF THE COMMISSION EXPENSES AND INITIATIVES.

6. THE COMMISSION MAY EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS IT MAY DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR.

7. THE COMMISSION SHALL MEET WITHIN THE STATE, SHALL HOLD PUBLIC HEARINGS, AND SHALL HAVE ALL THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THE LEGISLATIVE LAW.

8. THE COMMISSION SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS FOR THE GOVERNANCE OF THE CANAL CORPORATION IN A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY NO LATER THAN ONE YEAR AFTER IT FIRST CONVENES.

S 3. Subdivision 47 of section 100 of the economic development law, as renumbered by chapter 427 of the laws of 2008, is renumbered subdivision 48 and a new subdivision 47 is added to read as follows:

47. TO DEVELOP, IN CONJUNCTION WITH THE COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE, A PROPOSAL TO BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE, AND RECOMMENDATIONS FOR LEGISLATION REGARDING THE IMPLEMENTATION OF VARIOUS TAX INCENTIVES AND TAX EXEMPTIONS FOR CAPITAL GAINS FOR INVESTMENT IN VACANT FACILITIES CLOSED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHTEEN OF THIS CHAPTER.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such date.