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

5048

2011-2012 Regular Sessions

I N A S S E M B L Y

February 10, 2011

Introduced by M. of A. KOLB, CONTE, CORWIN, MURRAY, REILICH, SAYWARD -- Multi-Sponsored by -- M. of A. BARCLAY, BOYLE, BUTLER, CALHOUN, CASTELLI, CROUCH, FINCH, FITZPATRICK, GIGLIO, HAWLEY, HAYES, JORDAN, McDONOUGH, McKEVITT, J. MILLER, MOLINARO, MONTESANO, OAKS, RABBITT, RAIA, SALADINO, TOBACCO -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing financing assistance for civic facilities by industrial development agencies

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

Section 1. Subdivision 4 of section 854 of the general municipal law, as amended by chapter 541 of the laws of 1982, is amended and a new subdivision 13 is added to read as follows:

(4) "Project" - shall mean any land, any building or other improvement, and all real and personal properties located within the state of New York and within or outside or partially within and partially outside the municipality for whose benefit the agency was created, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, CIVIC commercial or industrial purposes or other economically sound purposes identified and called for to implement a state designated urban cultural park management plan as provided in title G of the parks, recreation and historic preservation law and which may include or mean an industrial pollution control facility, a recreation facility, educational or cultural facility, a horse racing facility [or], a railroad facility OR CIVIC FACILITY, provided, however, no agency shall use its funds in respect of any project wholly or partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the govern-

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

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ing body or bodies of all the other municipalities in which a part or parts of the project is, or is to be, located.

(13) "CIVIC FACILITY" - SHALL MEAN ANY FACILITY WHICH SHALL BE OWNED OR OCCUPIED BY A NOT-FOR-PROFIT CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THIS STATE OR AUTHORIZED TO CONDUCT ACTIVITIES IN THIS STATE. SUCH FACILITIES SHALL NOT INCLUDE CONVENTION CENTERS, HOUSING FACILITIES, DORMITORIES FOR EDUCATIONAL INSTITUTIONS OR ROADS, BUILDINGS, WATER SYSTEMS, SEWER SYSTEMS, OR ANY PUBLIC FACILITY FOR USE BY A MUNICIPALITY IN THE PERFORMANCE OF ITS GOVERNMENTAL FUNCTIONS OR MEDICAL FACILITIES WHICH ARE PREDOMINANTLY USED FOR THE DELIVERY OF MEDICAL SERVICES, EXCEPT THAT SUCH FACILITIES SHALL INCLUDE REHABILITATION CENTERS AND HOSPICES. NOTWITHSTANDING THE LIMITATIONS CONTAINED IN THE PRECEDING SENTENCE, A CIVIC FACILITY PROJECT MAY INCLUDE: (A) DORMITORIES FOR EDUCATIONAL INSTITUTIONS; (B) FACILITIES AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW; AND (C) HOUSING FACILITIES PRIMARILY DESIGNED TO BE OCCUPIED BY INDIVIDUALS SIXTY YEARS OF AGE OR OLDER. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO WAIVE ANY APPLICABLE REQUIREMENT FOR AN OPERATING FACILITY CERTIFICATE, CONSENT OR ANY OTHER APPROVAL AS PROVIDED BY LAW.

S 2. Paragraph (f) of subdivision 1 and subdivision 2 of section 859 of the general municipal law, paragraph (f) of subdivision 1 as added by section 28 of part A3 of chapter 62 of the laws of 2003 and subdivision 2 as amended by chapter 356 of the laws of 1993, are amended and a new subdivision 4 is added to read as follows:

(f) Within thirty days after completion, a copy of an audited financial statement which contains transactions of or bonds or notes of civic facilities as defined in paragraph (b) of subdivision thirteen of section eight hundred fifty-four of this [article] TITLE, shall be transmitted by the agency to the commissioner of health, the chair of the senate finance committee, the chair of the assembly ways and means committee, THE RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, THE RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, the chair of the senate health committee [and], the chair of the assembly health committee, THE RANKING MINORITY MEMBER OF THE SENATE HEALTH COMMITTEE, AND THE RANKING MINORITY MEMBER OF THE ASSEMBLY HEALTH COMMITTEE.

2. On or before September first of each year, the commissioner of the department of economic development shall prepare and submit to the governor, speaker of the assembly, majority leader of the senate, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, and the state comptroller, a report setting forth a summary of the significant trends in operations and financing by agencies and authorities; departures from acceptable practices by agencies and authorities; a compilation by type of the bonds and notes outstanding; a compilation of all outstanding straight-lease transactions; an estimate of the total number of jobs created and retained by agency or authority projects; and any other information which in the opinion of the commissioner bears upon the discharge of the statutory functions of agencies and authorities.

4. EACH AGENCY WHICH HAS ISSUED BONDS TO FINANCE ANY CIVIC FACILITY, AS SUCH PROJECT IS DEFINED IN SUBDIVISION THIRTEEN OF SECTION EIGHT HUNDRED FIFTY-FOUR OF THIS TITLE, SHALL ANNUALLY SUBMIT A REPORT TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE DIRECTOR OF THE BUDGET, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE RANKING MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, AND THE RANKING MINORITY MEMBER OF THE ASSEMBLY WAYS

AND MEANS COMMITTEE. SUCH REPORT SHALL BE SUBMITTED ON THE SAME DAY AND PERTAIN TO THE SAME PERIOD OF TIME AS THE REPORT SPECIFIED IN SUBDIVISIONS ONE AND TWO OF THIS SECTION. SUCH REPORT SHALL CONTAIN A LIST OF THE CIVIC FACILITIES AND FOR EACH SUCH FACILITY CONTAIN A SUMMARY DESCRIPTION INCLUDING, BUT NOT LIMITED TO, TOTAL PROJECT COSTS AND THE AMOUNTS OF BONDS OF THE AGENCY ISSUED AND THE NUMBER OF JOBS CREATED OR RETAINED IN CONNECTION WITH EACH SUCH FACILITY.

S 3. This act shall take effect immediately.