

5987

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 3, 2011

---

Introduced by M. of A. KAVANAGH, WRIGHT, JEFFRIES, BRENNAN, BROOK-KRASN-  
NY, DINOWITZ, JAFFEE, LANCMAN, LIFTON, McENENY, MILLMAN, ORTIZ, PHEF-  
FER, PRETLOW, SCHIMEL, P. RIVERA, ZEBROWSKI, MENG, CASTRO, COLTON,  
DenDEKKER, GLICK, HOOPER, JACOBS, KELLNER, LATIMER, LENTOL, PERRY,  
J. RIVERA, SCARBOROUGH, SPANO, BARRON, CAHILL, AUBRY, ROSENTHAL, WEIN-  
STEIN, COOK, BOYLAND, GUNTHER -- Multi-Sponsored by -- M. of A.  
CAMARA, GALEF, GOTTFRIED, HEASTIE, HEVESI, LUPARDO, MAGEE, MAISEL,  
PEOPLES-STOKES, RAIA, RAMOS, RUSSELL, SALADINO, THIELE, TITONE, TOBAC-  
CO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public authorities law, in relation to enacting the  
"public benefits for professional facilities act"

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "public benefits for professional facilities act".

3     S 2. Article 9 of the public authorities law is amended by adding a  
4     new title 3-B to read as follows:

5                                   TITLE 3-B

6                   PUBLIC BENEFITS FOR PROFESSIONAL FACILITIES

7     SECTION 2860. PROFESSIONAL FACILITIES.

8     S 2860. PROFESSIONAL FACILITIES. 1. NO LATER THAN NINETY DAYS AFTER  
9     THE EFFECTIVE DATE OF THIS SUBDIVISION, THE EMPIRE STATE DEVELOPMENT  
10    CORPORATION SHALL PUBLISH ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE  
11    AN ACCOUNTING OF ALL BENEFITS THAT ANY STATE OR LOCAL AUTHORITY HAS  
12    GRANTED OR OBLIGATED ITSELF TO GRANT FOR THE PURPOSE OF CONSTRUCTION,  
13    RECONSTRUCTION, REPAIR OR REHABILITATION OF A PROFESSIONAL SPORTS FACIL-  
14    ITY. SUCH ACCOUNTING SHALL INCLUDE ALL SUCH BENEFITS GRANTED OR OBLI-  
15    GATED TO BE GRANTED AT ANY TIME ON OR AFTER JANUARY FIRST, TWO THOUSAND  
16    NINE. THEREAFTER, THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL PUBLISH  
17    ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE AN UPDATE OF SUCH ACCOUNT-  
18    ING BY FEBRUARY FIFTEENTH OF EACH YEAR, COVERING THE PERIOD ENDING

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

LBD01007-01-1

1 DECEMBER THIRTY-FIRST OF THE PRECEDING YEAR. ANY STATE OR LOCAL AUTHORI-  
2 TY THAT HAS GRANTED OR OBLIGATED ITSELF TO GRANT ANY SUCH BENEFIT SHALL  
3 REPORT THE TERMS OF SUCH BENEFIT TO THE EMPIRE STATE DEVELOPMENT CORPO-  
4 RATION NO LATER THAN THE EARLIER OF THE DATE THE BENEFIT IS GRANTED OR  
5 THE DATE THE BENEFIT IS OBLIGATED TO BE GRANTED.

6 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE  
7 THE FOLLOWING MEANINGS:

8 (A) "BENEFIT" SHALL MEAN ANY DIRECT OR INDIRECT GRANT OF FUNDS, TAX  
9 REDUCTIONS, TAX PREFERENCES, SUBSIDIES, PAYMENTS IN LIEU OF ANY TAX OR  
10 TAX OBLIGATION, OR ANY OTHER FORM OF PUBLIC SUPPORT.

11 (B) "AFFORDABLE" SHALL MEAN WITHIN THE ECONOMIC ABILITY OF PERSONS  
12 WHOSE INCOME IS AT OR BELOW SIXTY PERCENT OF THE AREA MEDIAN INCOME FOR  
13 A FOUR-PERSON HOUSEHOLD TO PURCHASE TICKETS WITHOUT ECONOMIC HARDSHIP.

14 (C) "AFFORDABLE TICKET AGREEMENT" SHALL MEAN A BINDING AGREEMENT AMONG  
15 THE STATE OR LOCAL AUTHORITY GRANTING A BENEFIT, THE RECIPIENT OF SUCH  
16 BENEFIT, AND ANY OTHER PARTY NECESSARY TO GIVE SUCH AGREEMENT EFFECT,  
17 THE TERMS OF WHICH ARE PUBLICLY DISCLOSED NOT LESS THAN THIRTY DAYS  
18 BEFORE THE STATE OR LOCAL AUTHORITY GRANTS ANY BENEFIT OR UNDERTAKES ANY  
19 OBLIGATION TO GRANT SUCH BENEFIT. SUCH AGREEMENT SHALL INCLUDE  
20 PROVISIONS TO PREVENT RESALE OF TICKETS SUBJECT TO THE AGREEMENT AT  
21 PRICES ABOVE FACE VALUE.

22 3. ANY STATE OR LOCAL AUTHORITY THAT GRANTS ANY BENEFIT, FOR THE  
23 PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR OR REHABILITATION OF A  
24 PROFESSIONAL SPORTS FACILITY, SHALL, AS A CONDITION OF SUCH BENEFIT,  
25 REQUIRE THAT AT LEAST SEVEN PERCENT OF ALL TICKETS FOR EACH EVENT BE  
26 SUBJECT TO AN AFFORDABLE TICKET AGREEMENT. FURTHERMORE, SUCH BENEFIT  
27 SHALL BE CONDITIONED UPON A FACILITY POLICY THAT LIMITS TICKET PRICE  
28 INCREASES TO NO MORE THAN TWO PERCENT ANNUALLY FOR THE NEXT TEN YEARS,  
29 IF AT ANY TIME IN THE LAST THREE YEARS SEASON OR INDIVIDUAL TICKETS HAVE  
30 BEEN OFFERED FOR SALE WITH CUMULATIVE PRICE INCREASES OF MORE THAN THIR-  
31 TY PERCENT.

32 S 3. This act shall take effect immediately.