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

S. 5137 A. 7386

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

May 3, 2011

IN SENATE -- Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. MORELLE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to industrial development agency's financing of automobile racing facilities

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

Section 1. The second undesignated paragraph of section 852 of the general municipal law, as amended by chapter 541 of the laws of 1982, is amended to read as follows:

It is hereby further declared to be the policy of this state to protect and promote the health of the inhabitants of this state by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial, manufacturing, warehousing, commercial, recreation, horse racing facilities, railroad facilities, AUTOMOBILE RACING FACILITIES and research facilities and to grant such industrial development agencies the rights and powers provided by this article with respect to industrial pollution control facilities.

S 2. Subdivision 4 of section 854 of the general municipal law, as amended by chapter 541 of the laws of 1982, is amended 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

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

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

S 3. Section 854 of the general municipal law is amended by adding a new subdivision 20 to read as follows:

(20) "AUTOMOBILE RACING FACILITY" SHALL MEAN ANY CLOSED-COURSE MOTORSPORTS COMPLEX AND ITS ANCILLARY GROUNDS THAT HAS AT LEAST FIFTY THOUSAND FIXED SEATS FOR RACE PATRONS AND HOSTS AT LEAST ONE NASCAR SPRINT CUP SERIES RACE AND AT LEAST TWO OTHER NATIONALLY RECOGNIZED RACING EVENTS EACH CALENDAR YEAR.

S 4. The opening paragraph of section 858 of the general municipal law, as amended by chapter 659 of the laws of 1997, is amended to read as follows:

The purposes of the agency shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities, AUTOMOBILE RACING FACILITIES and continuing care retirement communities, provided, however, that, of agencies governed by this article, only agencies created for the benefit of a county and the agency created for the benefit of the city of New York shall be authorized to provide financial assistance in any respect to a continuing care retirement community, and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state of New York and to improve their recreation opportunities, prosperity and standard of living; and to carry out the aforesaid purposes, each agency shall have the following powers:

S 5. This act shall take effect immediately.