

10692

I N A S S E M B L Y

June 15, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hooper) --
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to payments in lieu of taxes for projects approved by the town of Hempstead industrial development agency and the Nassau county industrial agency

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

1 Section 1. The opening paragraph of section 905 of the general municipal law is designated subdivision 1 and three new subdivisions 2, 3 and 4 are added to read as follows:
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4 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE VILLAGE COMMUNITY.
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22 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THEREAFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN SUCH VILLAGES. THE AGENCY SHALL PROVIDE A WRITTEN REPORT TO THE VILLAGE

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

LBD16291-01-2

1 OF FREEPORT AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARI-
2 ANCES OR CHANGES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY
3 SUCH PILOT AGREEMENT.

4 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
5 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
6 FULL AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO
7 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
8 AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY CHOOSE A
9 QUALIFIED ENTITY TO CONDUCT SUCH AUDIT. THE PARTY THAT IS OBLIGATED TO
10 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
11 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH AUDIT. THE VILLAGE OF
12 FREEPORT OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE
13 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
14 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
15 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD.

16 S 2. The opening paragraph of section 922 of the general municipal
17 law, as amended by chapter 474 of the laws of 1988, is designated subdivi-
18 sion 1 and three new subdivisions 2, 3 and 4 are added to read as
19 follows:

20 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
21 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
22 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
23 VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER
24 OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN
25 THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY
26 PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT
27 LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDI-
28 TION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT
29 ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE
30 APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE
31 REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY
32 SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS.
33 THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING
34 PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE
35 VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH
36 VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM
37 A CROSS SECTION OF THE VILLAGE COMMUNITY.

38 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
39 IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD
40 YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THERE-
41 AFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO
42 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
43 SUCH VILLAGES.

44 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
45 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
46 FULL AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO
47 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
48 AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY CHOOSE A
49 QUALIFIED ENTITY TO CONDUCT SUCH AUDIT. THE PARTY THAT IS OBLIGATED TO
50 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
51 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH AUDIT. THE VILLAGE OF
52 FREEPORT OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE
53 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
54 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
55 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD.

56 S 3. This act shall take effect immediately.