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

1258

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

TITLE 3-B

PUBLIC BENEFITS FOR PROFESSIONAL FACILITIES

SECTION 2860. PROFESSIONAL FACILITIES.

S 2860. PROFESSIONAL FACILITIES. 1. NO LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL PUBLISH ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE AN ACCOUNTING OF ALL BENEFITS THAT ANY STATE OR LOCAL AUTHORITY HAS GRANTED OR OBLIGATED ITSELF TO GRANT FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR OR REHABILITATION OF A PROFESSIONAL SPORTS FACILITY. SUCH ACCOUNTING SHALL INCLUDE ALL SUCH BENEFITS GRANTED OR OBLIGATED TO BE GRANTED AT ANY TIME ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN. THEREAFTER, THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL PUBLISH ON ITS WEBSITE AND PROVIDE TO THE LEGISLATURE AN UPDATE OF SUCH ACCOUNTING BY FEBRUARY FIFTEENTH OF EACH YEAR, COVERING THE PERIOD ENDING DECEMBER THIRTY-FIRST OF THE PRECEDING YEAR. ANY STATE OR LOCAL AUTHORITY THAT HAS GRANTED OR OBLIGATED ITSELF TO GRANT ANY SUCH BENEFIT SHALL REPORT THE TERMS OF SUCH BENEFIT TO THE EMPIRE STATE DEVELOPMENT CORPORATION NO LATER THAN THE EARLIER OF THE DATE THE BENEFIT IS GRANTED OR THE DATE THE BENEFIT IS OBLIGATED TO BE GRANTED.

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

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

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

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

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

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

S 3. This act shall take effect immediately.