

5800

2013-2014 Regular Sessions

I N S E N A T E

June 14, 2013

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

AN ACT to amend the public authorities law, in relation to financial
assistance provided by the Auburn industrial development authority

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

1 Section 1. The opening paragraph of section 2306 of the public author-
2 ities law, as amended by chapter 556 of the laws of 1973, is amended to
3 read as follows:
4 The purposes of the authority shall be to promote, develop, encourage
5 and assist in the acquiring, constructing, reconstructing, improving,
6 maintaining, equipping and furnishing industrial, manufacturing, ware-
7 house, commercial and research facilities and facilities for use by a
8 federal agency or a medical facility including industrial pollution
9 control facilities, which may include transportation facilities includ-
10 ing but not limited to those relating to water, highway, rail and air,
11 in one or more areas of the city, and thereby advance the job opportu-
12 nities, health, general prosperity and economic welfare of the people of
13 said city and to improve their medical care and standard of living;
14 provided, however, that the authority shall not undertake any project if
15 the completion thereof would result in the removal of an industrial or
16 manufacturing plant of the project occupant from one area of the state
17 to another area of the state or in abandonment of one or more plants or
18 facilities of the project applicant located within the state, provided,
19 however, that neither restriction shall apply if the authority shall
20 determine on the basis of the application before it that the project is
21 reasonably necessary to discourage the project occupant from removing
22 such other plant or facility to a location outside the state or is
23 reasonably necessary to preserve the competitive position of the project
24 occupant in its respective industry. EXCEPT AS OTHERWISE PROVIDED FOR IN

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

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1 THIS SECTION, NO FINANCIAL ASSISTANCE OF THE AUTHORITY SHALL BE PROVIDED
2 IN RESPECT OF ANY PROJECT WHERE FACILITIES OR PROPERTY THAT ARE PRIMARI-
3 LY USED IN MAKING RETAIL SALES TO CUSTOMERS WHO PERSONALLY VISIT SUCH
4 FACILITIES CONSTITUTE MORE THAN ONE-THIRD OF THE TOTAL PROJECT COST. FOR
5 THE PURPOSES OF THIS ARTICLE, "RETAIL SALES" SHALL MEAN: (I) SALES BY A
6 REGISTERED VENDOR UNDER ARTICLE TWENTY-EIGHT OF THE TAX LAW PRIMARILY
7 ENGAGED IN THE RETAIL SALE OF TANGIBLE PERSONAL PROPERTY, AS DEFINED IN
8 SUBPARAGRAPH (I) OF PARAGRAPH FOUR OF SUBDIVISION (B) OF SECTION ELEVEN
9 HUNDRED ONE OF THE TAX LAW; OR (II) SALES OF A SERVICE TO SUCH CUSTOM-
10 ERS. EXCEPT, HOWEVER, THAT TOURISM DESTINATION PROJECTS SHALL NOT BE
11 PROHIBITED BY THIS PARAGRAPH. FOR THE PURPOSE OF THIS PARAGRAPH, "TOUR-
12 ISM DESTINATION" SHALL MEAN A LOCATION OR FACILITY WHICH IS LIKELY TO
13 ATTRACT A SIGNIFICANT NUMBER OF VISITORS FROM OUTSIDE THE ECONOMIC
14 DEVELOPMENT REGION AS ESTABLISHED BY SECTION TWO HUNDRED THIRTY OF THE
15 ECONOMIC DEVELOPMENT LAW, IN WHICH THE PROJECT IS LOCATED.

16 NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, SUCH
17 FINANCIAL ASSISTANCE MAY, HOWEVER, BE PROVIDED TO A PROJECT WHERE FACIL-
18 ITIES OR PROPERTY THAT ARE PRIMARILY USED IN MAKING RETAIL SALES OF
19 GOODS OR SERVICES TO CUSTOMERS WHO PERSONALLY VISIT SUCH FACILITIES TO
20 OBTAIN SUCH GOODS OR SERVICES CONSTITUTE MORE THAN ONE-THIRD OF THE
21 TOTAL PROJECT COST, WHERE: (I) THE PREDOMINANT PURPOSE OF THE PROJECT
22 WOULD BE TO MAKE AVAILABLE GOODS OR SERVICES WHICH WOULD NOT, BUT FOR
23 THE PROJECT, BE REASONABLY ACCESSIBLE TO THE RESIDENTS OF THE CITY OF
24 AUBURN BECAUSE OF A LACK OF REASONABLY ACCESSIBLE RETAIL TRADE FACILI-
25 TIES OFFERING SUCH GOODS OR SERVICES; OR (II) THE PROJECT IS LOCATED IN
26 A HIGHLY DISTRESSED AREA; OR (III) THE PROJECT IS LOCATED IN THE CITY OF
27 AUBURN AND CAYUGA COUNTY HAS BEEN DECLARED A DISASTER EMERGENCY BY THE
28 GOVERNOR PURSUANT TO SECTION TWENTY-EIGHT OF THE EXECUTIVE LAW, PROVIDED
29 THE ADOPTION OF A RESOLUTION BY THE AGENCY WITH RESPECT TO THE PROJECT
30 OCCURS WITHIN EIGHTEEN MONTHS OF SUCH DECLARATION AND THE PROJECT
31 INCLUDES FACILITIES OR PROPERTY THAT SUSTAINED DIRECT DAMAGE OR WAS
32 NEGATIVELY ECONOMICALLY IMPACTED AS A RESULT OF THE DISASTER. WITH
33 RESPECT TO PROJECTS AUTHORIZED PURSUANT TO SUBPARAGRAPH (I) OR (II) OF
34 THIS PARAGRAPH NO PROJECT SHALL BE APPROVED UNLESS THE AUTHORITY SHALL
35 FIND AFTER THE PUBLIC HEARING REQUIRED BY SECTION TWENTY-THREE HUNDRED
36 SEVEN OF THIS TITLE THAT UNDERTAKING THE PROJECT WILL SERVE THE PUBLIC
37 PURPOSES OF THIS ARTICLE BY PRESERVING PERMANENT, PRIVATE SECTOR JOBS OR
38 INCREASING THE OVERALL NUMBER OF PERMANENT, PRIVATE SECTOR JOBS IN THE
39 STATE. WHERE THE AUTHORITY MAKES SUCH A FINDING, PRIOR TO PROVIDING
40 FINANCIAL ASSISTANCE TO THE PROJECT BY THE AUTHORITY, THE CHIEF EXECU-
41 TIVE OFFICER OF THE CITY OF AUBURN SHALL CONFIRM THE PROPOSED ACTION OF
42 THE AUTHORITY. To carry out said purpose, the authority shall have
43 power:

44 S 2. Section 2334 of the public authorities law, as added by chapter
45 915 of the laws of 1969, is amended to read as follows:

46 S 2334. Termination of the authority. Whenever all of the bonds issued
47 by the authority shall have been redeemed or cancelled, AND ALL
48 STRAIGHT-LEASE TRANSACTIONS HAVE BEEN TERMINATED, the authority shall
49 cease to exist and all rights, titles, and interest and all obligations
50 and liabilities thereof vested in or possessed by the authority shall
51 thereupon vest in and be possessed by the city of Auburn.

52 S 3. This act shall take effect on the thirtieth day after it shall
53 have become a law.