

7785

I N S E N A T E

June 9, 2014

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

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

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 905 of the general munici-
2 pal law is designated subdivision 1 and three new subdivisions 2, 3 and
3 4 are added to read as follows:
4 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
5 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
6 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
7 VILLAGE OF HEMPSTEAD, THE CHIEF EXECUTIVE OFFICER OF THE AFFECTED
8 VILLAGE SHALL BE CONSULTED. THE AGENCY SHALL ALSO CONSULT WITH THE
9 VILLAGE GOVERNING BODY PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY
10 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
11 VILLAGE OF HEMPSTEAD. IN ADDITION, THE AGENCY SHALL OBTAIN AN IMPACT
12 ANALYSIS TO DETERMINE THE IMPACT ON THE VILLAGE OF THE PROJECT AND THE
13 PLANNED PILOT AGREEMENT. THE APPLICANT FOR SUCH PILOT AGREEMENT SHALL
14 BEAR THE COSTS RELATED TO THE REQUIRED IMPACT ANALYSIS. THE AGENCY AND
15 THE VILLAGE GOVERNING BODY SHALL JOINTLY SELECT A QUALIFIED ENTITY TO
16 CONDUCT THE IMPACT ANALYSIS. THE MEMBERSHIP OF THE AGENCY, WHEN REVIEW-
17 ING APPLICATIONS AND APPROVING PILOT AGREEMENTS FOR PROJECTS LOCATED IN
18 THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT
19 LEAST ONE MEMBER OF SUCH VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT
20 LARGE MEMBERS DRAWN FROM A CROSS SECTION OF THE VILLAGE COMMUNITY.
21 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
22 IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD
23 YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THERE-
24 AFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO
25 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
26 SUCH VILLAGES. THE AGENCY SHALL PROVIDE A WRITTEN REPORT TO THE VILLAGE
27 OF FREEPORT AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARI-

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

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1 ANCES OR CHANGES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY
2 SUCH PILOT AGREEMENT.

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

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

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

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

42 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
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44 FULL AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO
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49 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH AUDIT. THE VILLAGE OF
50 FREEPORT OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE
51 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
52 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
53 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD.

54 S 3. This act shall take effect immediately.