

7566

I N S E N A T E

May 10, 2016

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public buildings law, in relation to the authority of the commissioner of general services to lease public buildings

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

1 Section 1. Subdivision 12 of section 3 of the public buildings law, as
2 amended by section 47 of part T of chapter 57 of the laws of 2007, is
3 amended to read as follows:
4 12. Lease from time to time buildings, rooms or premises in the county
5 of Albany, and elsewhere as required, for providing space for depart-
6 ments, commissions, boards and officers of the state government, upon
7 such terms and conditions as he or she deems most advantageous to the
8 state. Any such lease shall, however, be for a term not exceeding ten
9 years, except that, the commissioner of general services may enter into
10 leases for a term not exceeding fifteen years when, in the judgment of
11 such commissioner, such longer term is in the best interests of the
12 state. Any such lease may provide for optional renewals on the part of
13 the state, for terms of ten years or less. Each such lease shall contain
14 a clause stating that the contract of the state thereunder shall be
15 deemed executory only to the extent of moneys available therefor and
16 that no liability shall be incurred by the state beyond the money avail-
17 able for such purpose. Notwithstanding the provisions of any other law,
18 except section sixteen hundred seventy-six of the public authorities law
19 relating to use of dormitory authority facilities by the aged, the
20 commissioner of general services shall have sole and exclusive authority
21 to lease space for state departments, agencies, commissions, boards and
22 officers within the county of Albany. Any buildings, rooms or premises,
23 now or hereafter held by the commissioner of general services under
24 lease, may be sublet, in part or in whole, provided that in the judgment
25 of such commissioner, and the occupying department, commission, board,
26 and officers of the state government, such buildings, rooms or premises
27 are not for a time needed. EACH SUCH LEASE WITH A LIMITED LIABILITY

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

LBD14782-01-6

1 COMPANY SHALL IDENTIFY THE NAMES AND RESIDENCE ADDRESSES OF ALL NATURAL
2 PERSONS WHO ARE TO BE THE MEMBERS, MANAGERS AND ANY AUTHORIZED PERSONS,
3 IF ANY, OF THE LIMITED LIABILITY COMPANY, AND THE NAMES AND RESIDENCE
4 ADDRESSES OR, IF NONE, THE BUSINESS ADDRESS OF ALL SHAREHOLDERS, DIREC-
5 TORS, OFFICERS, MEMBERS, MANAGERS AND PARTNERS OF ANY LIMITED LIABILITY
6 COMPANY OR OTHER BUSINESS ENTITY THAT ARE TO BE THE MEMBERS, MANAGERS OR
7 AUTHORIZED PERSONS, IF ANY, OF THE LIMITED LIABILITY COMPANY. THE IDEN-
8 TIFICATION OF SUCH NAMES SHALL NOT BE DEEMED AN UNWARRANTED INVASION OF
9 PERSONAL PRIVACY PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. IF
10 ANY SUCH MEMBER, MANAGER OR AUTHORIZED PERSON OF THE LIMITED LIABILITY
11 COMPANY IS ITSELF A LIMITED LIABILITY COMPANY OR OTHER BUSINESS ENTITY,
12 THE NAMES AND ADDRESSES OF THE SHAREHOLDERS, DIRECTORS, OFFICERS,
13 MEMBERS, MANAGERS AND PARTNERS OF THE LIMITED LIABILITY COMPANY OR OTHER
14 BUSINESS ENTITY SHALL ALSO BE DISCLOSED UNTIL FULL DISCLOSURE OF ULTI-
15 MATE OWNERSHIP BY NATURAL PERSONS IS ACHIEVED. FOR PURPOSES OF THIS
16 SUBDIVISION, THE TERMS "MEMBERS," "MANAGERS," "AUTHORIZED PERSON,"
17 "LIMITED LIABILITY COMPANY" AND "OTHER BUSINESS ENTITY" SHALL HAVE THE
18 SAME MEANING AS THOSE TERMS ARE DEFINED IN SECTION ONE HUNDRED TWO OF
19 THE LIMITED LIABILITY COMPANY LAW. Notwithstanding any other provision
20 of law to the contrary, if bonds or notes are issued pursuant to section
21 sixteen hundred eighty-n of the public authorities law for the purpose
22 of acquiring a building or other facility previously financed by a lease
23 or lease-purchase obligation as authorized herein, the state agency
24 which is the tenant in occupancy shall be authorized to remit tax
25 payments or payments in lieu of thereof to the appropriate taxing
26 authority in a manner consistent with the process and term established
27 under the original lease or lease-purchase for the subject property for
28 a period coincident with the term of the lease as established at the
29 commencement of the term thereof. The state may undertake a certiorari
30 review of assessments that may be imposed from time to time.

31 S 2. Subdivision 12 of section 3 of the public buildings law, as
32 amended by section 48 of part T of chapter 57 of the laws of 2007, is
33 amended to read as follows:

34 12. Lease from time to time buildings, rooms or premises in the county
35 of Albany, and elsewhere as required, for providing space for depart-
36 ments, commissions, boards and officers of the state government, upon
37 such terms and conditions as he or she deems most advantageous to the
38 state. Any such lease shall, however, be for a term not exceeding ten
39 years, but may provide for optional renewals on the part of the state,
40 for terms of ten years or less. Each such lease shall contain a clause
41 stating that the contract of the state thereunder shall be deemed execu-
42 tory only to the extent of moneys available therefor and that no liabil-
43 ity shall be incurred by the state beyond the money available for such
44 purpose. EACH SUCH LEASE WITH A LIMITED LIABILITY COMPANY SHALL IDENTIFY
45 THE NAMES AND RESIDENCE ADDRESSES OF ALL NATURAL PERSONS WHO ARE TO BE
46 THE MEMBERS, MANAGERS AND ANY AUTHORIZED PERSONS, IF ANY, OF THE LIMITED
47 LIABILITY COMPANY, AND THE NAMES AND RESIDENCE ADDRESSES OR, IF NONE,
48 THE BUSINESS ADDRESS OF ALL SHARE HOLDERS, DIRECTORS, OFFICERS, MEMBERS,
49 MANAGERS AND PARTNERS OF ANY LIMITED LIABILITY COMPANY OR OTHER BUSINESS
50 ENTITY THAT ARE TO BE THE MEMBERS, MANAGERS OR AUTHORIZED PERSONS, IF
51 ANY, OF THE LIMITED LIABILITY COMPANY. THE IDENTIFICATION OF SUCH NAMES
52 SHALL NOT BE DEEMED AN UNWARRANTED INVASION OF PERSONAL PRIVACY PURSUANT
53 TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. IF ANY SUCH MEMBER, MANAGER
54 OR AUTHORIZED PERSON OF THE LIMITED LIABILITY COMPANY IS ITSELF A LIMIT-
55 ED LIABILITY COMPANY OR OTHER BUSINESS ENTITY, THE NAMES AND ADDRESSES
56 OF THE SHAREHOLDERS, DIRECTORS, OFFICERS, MEMBERS, MANAGERS AND PARTNERS

1 OF THE LIMITED LIABILITY COMPANY OR ANOTHER BUSINESS ENTITY SHALL ALSO
2 BE DISCLOSED UNTIL FULL DISCLOSURE OF ULTIMATE OWNERSHIP BY NATURAL
3 PERSONS IS ACHIEVED. FOR PURPOSES OF THIS SUBDIVISION, THE TERMS
4 "MEMBERS," "MANAGERS," "AUTHORIZED PERSON," "LIMITED LIABILITY COMPANY"
5 AND "OTHER BUSINESS ENTITY" SHALL HAVE THE SAME MEANING AS THOSE TERMS
6 ARE DEFINED IN SECTION ONE HUNDRED TWO OF THE LIMITED LIABILITY COMPANY
7 LAW. Notwithstanding the provisions of any other law, except section
8 sixteen hundred seventy-six of the public authorities law relating to
9 use of dormitory authority facilities by the aged, the commissioner of
10 general services shall have sole and exclusive authority to lease space
11 for state departments, agencies, commissions, boards and officers within
12 the county of Albany. Any buildings, rooms or premises, now or hereafter
13 held by the commissioner of general services under lease, may be sublet,
14 in part or in whole, provided that in the judgment of the commissioner,
15 and the occupying department, commission, board, and officers of the
16 state government, such buildings, rooms or premises are not for a time
17 needed.

18 S 3. This act shall take effect immediately, provided that:

19 a. the provisions of this act shall only apply to leases entered into
20 after such effective date; and

21 b. the amendments to subdivision 12 of section 3 of the public build-
22 ings law made by section one of this act shall be subject to the expira-
23 tion and reversion of such subdivision pursuant to subdivision 4 of
24 section 27 of chapter 95 of the laws of 2000, as amended, when upon such
25 date the provisions of section two of this act shall take effect.