

# STATE OF NEW YORK

3832

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONALD, GALEF, STIRPE, FAHY, STECK, MONTESANO, CRESPO, SIMON, CAHILL, M. G. MILLER, COLTON, BLAKE, GOTTFRIED, MORINELLO -- Multi-Sponsored by -- M. of A. HYNDMAN -- read once and referred to the Committee on Governmental 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

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

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1 lease, may be sublet, in part or in whole, provided that in the judgment  
2 of such commissioner, and the occupying department, commission, board,  
3 and officers of the state government, such buildings, rooms or premises  
4 are not for a time needed. Each such lease with a limited liability  
5 company shall identify the names and residence addresses of all natural  
6 persons who are to be the members, managers and any authorized persons,  
7 if any, of the limited liability company, and the names and residence  
8 addresses or, if none, the business address of all shareholders, direc-  
9 tors, officers, members, managers and partners of any limited liability  
10 company or other business entity that are to be the members, managers or  
11 authorized persons, if any, of the limited liability company. The iden-  
12 tification of such names shall not be deemed an unwarranted invasion of  
13 personal privacy pursuant to article six of the public officers law. If  
14 any such member, manager or authorized person of the limited liability  
15 company is itself a limited liability company or other business entity,  
16 the names and addresses of the shareholders, directors, officers,  
17 members, managers and partners of the limited liability company or other  
18 business entity shall also be disclosed until full disclosure of ulti-  
19 mate ownership by natural persons is achieved. For purposes of this  
20 subdivision, the terms "members," "managers," "authorized person,"  
21 "limited liability company" and "other business entity" shall have the  
22 same meaning as those terms are defined in section one hundred two of  
23 the limited liability company law. Notwithstanding any other provision  
24 of law to the contrary, if bonds or notes are issued pursuant to section  
25 sixteen hundred eighty-n of the public authorities law for the purpose  
26 of acquiring a building or other facility previously financed by a lease  
27 or lease-purchase obligation as authorized herein, the state agency  
28 which is the tenant in occupancy shall be authorized to remit tax  
29 payments or payments in lieu of thereof to the appropriate taxing  
30 authority in a manner consistent with the process and term established  
31 under the original lease or lease-purchase for the subject property for  
32 a period coincident with the term of the lease as established at the  
33 commencement of the term thereof. The state may undertake a certiorari  
34 review of assessments that may be imposed from time to time.

35 § 2. Subdivision 12 of section 3 of the public buildings law, as  
36 amended by section 48 of part T of chapter 57 of the laws of 2007, is  
37 amended to read as follows:

38 12. Lease from time to time buildings, rooms or premises in the county  
39 of Albany, and elsewhere as required, for providing space for depart-  
40 ments, commissions, boards and officers of the state government, upon  
41 such terms and conditions as he or she deems most advantageous to the  
42 state. Any such lease shall, however, be for a term not exceeding ten  
43 years, but may provide for optional renewals on the part of the state,  
44 for terms of ten years or less. Each such lease shall contain a clause  
45 stating that the contract of the state thereunder shall be deemed execu-  
46 tory only to the extent of moneys available therefor and that no liabil-  
47 ity shall be incurred by the state beyond the money available for such  
48 purpose. Each such lease with a limited liability company shall identify  
49 the names and residence addresses of all natural persons who are to be  
50 the members, managers and any authorized persons, if any, of the limited  
51 liability company, and the names and residence addresses or, if none,  
52 the business address of all share holders, directors, officers, members,  
53 managers and partners of any limited liability company or other business  
54 entity that are to be the members, managers or authorized persons, if  
55 any, of the limited liability company. The identification of such names  
56 shall not be deemed an unwarranted invasion of personal privacy pursuant

1 to article six of the public officers law. If any such member, manager  
2 or authorized person of the limited liability company is itself a limit-  
3 ed liability company or other business entity, the names and addresses  
4 of the shareholders, directors, officers, members, managers and partners  
5 of the limited liability company or another business entity shall also  
6 be disclosed until full disclosure of ultimate ownership by natural  
7 persons is achieved. For purposes of this subdivision, the terms  
8 "members," "managers," "authorized person," "limited liability company"  
9 and "other business entity" shall have the same meaning as those terms  
10 are defined in section one hundred two of the limited liability company

11 law. Notwithstanding the provisions of any other law, except section  
12 sixteen hundred seventy-six of the public authorities law relating to  
13 use of dormitory authority facilities by the aged, the commissioner of  
14 general services shall have sole and exclusive authority to lease space  
15 for state departments, agencies, commissions, boards and officers within  
16 the county of Albany. Any buildings, rooms or premises, now or hereafter  
17 held by the commissioner of general services under lease, may be sublet,  
18 in part or in whole, provided that in the judgment of the commissioner,  
19 and the occupying department, commission, board, and officers of the  
20 state government, such buildings, rooms or premises are not for a time  
21 needed.

22 § 3. This act shall take effect immediately, provided that:

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

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