STATE OF NEW YORK

3203--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. McDONALD, GALEF, STIRPE, FAHY, STECK, MONTESANO, SIMON, CAHILL, M. MILLER, COLTON, GOTTFRIED, MORINELLO, ASHBY, PICHARDO, LUPARDO, OTIS -- Multi-Sponsored by -- M. of A. HYNDMAN, TAGUE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 12 of section 3 of the public buildings law, as amended by section 47 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, except that, the commissioner of general services may enter into leases for a term not exceeding fifteen years when, in the judgment of such commissioner, such longer term is in the best interests of the state. Any such lease may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and

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

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officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of such commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed. **Each such lease with a limited liability company shall identify the names and residence addresses of all natural persons who are to be the members, managers and any authorized persons, if any, of the limited liability company, and the names and residence addresses or, if none, the business address of all shareholders, directors, officers, members, managers and partners of any limited liability company or other business entity that are to be the members, managers or authorized persons, if any, of the limited liability company. The identification of such names shall not be deemed an unwarranted invasion of personal privacy pursuant to article six of the public officers law. If any such member, manager or authorized person of the limited liability company is itself a limited liability company or other business entity, the names and addresses of the shareholders, directors, officers, members, managers and partners of the limited liability company or other business entity shall also be disclosed until full disclosure of ultimate ownership by natural persons is achieved. For purposes of this subdivision, the terms "members," "managers," "authorized person," "limited liability company" and "other business entity" shall have the same meaning as those terms are defined in section one hundred two of the limited liability company law.** Notwithstanding any other provision of law to the contrary, if bonds or notes are issued pursuant to section sixteen hundred eighty-n of the public authorities law for the purpose of acquiring a building or other facility previously financed by a lease or lease-purchase obligation as authorized herein, the state agency which is the tenant in occupancy shall be authorized to remit tax payments or payments in lieu of thereof to the appropriate taxing authority in a manner consistent with the process and term established under the original lease or lease-purchase for the subject property for a period coincident with the term of the lease as established at the commencement of the term thereof. The state may undertake a certiorari review of assessments that may be imposed from time to time.

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

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, but may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. **Each such lease with a limited liability company shall identify the names and residence addresses of all natural persons who are to be the members, managers and any authorized persons, if any, of the limited liability company, and the names and residence addresses or, if none, the business address of all share holders, directors, officers, members, managers and partners of any limited liability company or other business entity that are to be the members, managers or authorized persons, if**

any, of the limited liability company. The identification of such names shall not be deemed an unwarranted invasion of personal privacy pursuant to article six of the public officers law. If any such member, manager or authorized person of the limited liability company is itself a limited liability company or other business entity, the names and addresses of the shareholders, directors, officers, members, managers and partners of the limited liability company or another business entity shall also be disclosed until full disclosure of ultimate ownership by natural persons is achieved. For purposes of this subdivision, the terms "members," "managers," "authorized person," "limited liability company" and "other business entity" shall have the same meaning as those terms are defined in section one hundred two of the limited liability company law. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of the commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed.

§ 3. The commissioner of general services is hereby authorized and directed to promulgate rules and regulations to effectuate the purposes of this act.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law, provided, however that:

a. section three of this act shall take effect immediately;

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

c. the amendments to subdivision 12 of section 3 of the public buildings law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision 4 of section 27 of chapter 95 of the laws of 2000, as amended, when upon such date the provisions of section two of this act shall take effect.