

STATE OF NEW YORK

1501

2021-2022 Regular Sessions

IN SENATE

January 12, 2021

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

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

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

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

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

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

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

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

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

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