

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:

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

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

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

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

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

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

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

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

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

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

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