

# STATE OF NEW YORK

7086

2021-2022 Regular Sessions

## IN ASSEMBLY

April 21, 2021

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Local Governments

AN ACT to amend the public authorities law, in relation to updating certain references with respect to the Troy Industrial Development Authority, eliminating an automatic corporate termination clause when all bonds have been repaid, allowing the Troy Industrial Development Authority to deposit and manage its own funds and accounts, adding certain retail restrictions and making certain technical corrections

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1951 of the public authorities  
2 law, as added by chapter 759 of the laws of 1967, is amended to read as  
3 follows:  
4 1. The term "authority" shall mean the Troy Industrial Development  
5 Authority, the corporation created by section nineteen hundred ~~[two]~~  
6 fifty-two of this title;  
7 § 2. Section 1952 of the public authorities law, as separately amended  
8 by chapters 195 and 357 of the laws of 1993, is amended to read as  
9 follows:  
10 § 1952. Troy industrial development authority. A board to be known as  
11 the "Troy industrial development authority" is hereby created. Such  
12 board shall be a body corporate and politic, constituting a public bene-  
13 fit corporation and its existence shall commence upon the appointment of  
14 the members as herein provided. Its members shall consist of a ~~[chair-~~  
15 ~~man]~~ chair and eight other members, all of whom shall be appointed by  
16 the ~~[city-manager]~~ mayor of the city for a term of three years, and  
17 shall include two members of the common council of the city, one repre-  
18 sentative of the city school board, and one representative from each of  
19 the fields of business, industry and labor. Every appointment to the  
20 board shall be subject to confirmation by the common council of the  
21 city. The ~~[chairman]~~ chair and each member shall continue to serve until

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

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1 the appointment and confirmation of his or her successor. Vacancies in  
2 such board occurring otherwise than by expiration of term shall be  
3 filled by the [~~city manager~~] mayor by appointment for the unexpired term  
4 subject to confirmation by the common council of the city. The [~~city~~  
5 ~~manager~~] mayor may remove the [~~chairman~~] chair or any member of the  
6 board for inefficiency, neglect of duty or misconduct in office, after  
7 giving him or her a copy of the charges against him or her and an oppor-  
8 tunity of being heard in person, or by counsel, in his or her defense  
9 upon not less than ten days' notice. Such removal must be approved by  
10 the city council of the city. The members of the board shall be entitled  
11 to no compensation for their services but shall be entitled to  
12 reimbursement for their actual and necessary expenses incurred in the  
13 performance of their official duties. Notwithstanding any inconsistent  
14 provisions of law, general, special or local, no officer or employee of  
15 the city shall be deemed to have forfeited or shall forfeit his or her  
16 office or employment by reason of his or her acceptance of membership on  
17 the board created by this section, provided, however, that a member who  
18 holds such other public office or employment shall receive no additional  
19 compensation or allowance for services rendered pursuant to this title,  
20 but shall be entitled to reimbursement for his or her actual and neces-  
21 sary expenses incurred in the performance of such services. The power of  
22 the authority shall be vested in and exercised by a majority of the  
23 members of the board. Such a board may delegate to one or more of its  
24 members, or to its officers, agents and employees, such powers and  
25 duties as it may deem proper. Such board and its corporate existence  
26 shall continue [~~until July first, nineteen hundred ninety-eight and~~  
27 ~~thereafter until all its liabilities have been met and its bonds have~~  
28 ~~been paid in full or such liabilities or bonds have otherwise been~~  
29 ~~discharged~~] in accordance with section nineteen hundred sixty-seven of  
30 this title. Upon its ceasing to exist, all rights and properties shall  
31 pass to and be vested in the city.

32 § 3. The opening paragraph of section 1953 of the public authorities  
33 law, as amended by chapter 907 of the laws of 1972, is amended to read  
34 as follows:

35 The purposes of the authority shall be to promote, develop, encourage  
36 and assist in the acquiring, constructing, reconstructing, improving,  
37 maintaining, equipping and furnishing industrial, manufacturing, ware-  
38 house, [~~and~~] commercial and research facilities including industrial  
39 pollution control facilities, transportation facilities including but  
40 not limited to those relating to water, highway, rail and air, in one or  
41 more areas of the city, particularly but not exclusively at the site of  
42 what was formerly the Troy airport including an airstrip or airport  
43 located in the southern section of the city and thereby advance the job  
44 opportunities, health, general prosperity and economic welfare of the  
45 people of said city and to improve their standard of living; provided,  
46 however, that the authority shall not undertake any project if the  
47 completion thereof would result in the removal of an industrial or manu-  
48 facturing plant of the project occupant from one area of the state to  
49 another area of the state or in the abandonment of one or more plants or  
50 facilities of the project applicant located within the state, provided,  
51 however, that neither restriction shall apply if the authority shall  
52 determine on the basis of the application before it that the project is  
53 reasonably necessary to discourage the project occupant from removing  
54 such other plant or facility to a location outside the state or is  
55 reasonably necessary to preserve the competitive position of the project  
56 occupant in its respective industry. Except as otherwise provided for in

1 this section, no financial assistance of the authority shall be provided  
2 in respect of any project where facilities or property that are primari-  
3 ly used in making retail sales to customers who personally visit such  
4 facilities constitute more than one-third of the total project cost. For  
5 the purposes of this article, "retail sales" shall mean: (i) sales by a  
6 registered vendor under article twenty-eight of the tax law primarily  
7 engaged in the retail sale of tangible personal property, as defined in  
8 subparagraph (i) of paragraph four of subdivision (b) of section eleven  
9 hundred one of the tax law; or (ii) sales of a service to such custom-  
10 ers. Except, however, that tourism destination projects shall not be  
11 prohibited by this paragraph. For the purpose of this paragraph, "tour-  
12 ism destination" shall mean a location or facility which is likely to  
13 attract a significant number of visitors from outside the economic  
14 development region as established by section two hundred thirty of the  
15 economic development law in which the project is located.

16 Notwithstanding the provisions of this section to the contrary, such  
17 financial assistance may, however, be provided to a project where facil-  
18 ities or property that are primarily used in making retail sales of  
19 goods or services to customers who personally visit such facilities to  
20 obtain such goods or services constitute more than one-third of the  
21 total project cost, where: (i) the predominant purpose of the project  
22 would be to make available goods or services which would not, but for  
23 the project, be reasonably accessible to the residents of the city of  
24 Troy because of a lack of reasonably accessible retail trade facilities  
25 offering such goods or services; or (ii) the project is located in a  
26 highly distressed area. With respect to projects authorized pursuant to  
27 this paragraph no project shall be approved unless the authority shall  
28 find after the public hearing required by section twenty-three hundred  
29 seven of this chapter that undertaking the project will serve the public  
30 purposes of this article by preserving permanent, private sector jobs or  
31 increasing the overall number of permanent, private sector jobs in the  
32 state. Where the authority makes such a finding, prior to providing  
33 financial assistance to the project by the authority, the chief execu-  
34 tive officer of the city of Troy shall confirm the proposed action of  
35 the authority. To carry out said purposes, the authority shall have  
36 power:

37 § 4. Subdivisions 4 and 7 of section 1953 of the public authorities  
38 law, as added by chapter 759 of the laws of 1967, are amended to read as  
39 follows:

40 4. To acquire by purchase, grant, lease, gift, condemnation, or other-  
41 wise and to use, real property or rights or easements therein necessary  
42 for its corporate purposes, and to sell, convey, mortgage, lease,  
43 pledge, exchange or otherwise dispose of any such property in such  
44 manner as the authority shall determine. With respect to real property  
45 conveyed to it by the city, however, such power of disposition shall be  
46 limited as hereinafter provided in section nineteen hundred [~~five~~]  
47 ~~fifty-five~~ of this title;

48 7. To appoint officers, agents and employees, to prescribe their qual-  
49 ifications and to fix their compensation and to pay the same out of  
50 funds of the authority, subject, however, to the provisions of the civil  
51 service law as hereinafter provided in section nineteen hundred [~~and~~  
52 ~~four~~] ~~fifty-four~~ of this title;

53 § 5. Subdivision 1 of section 1955 of the public authorities law, as  
54 added by chapter 759 of the laws of 1967, is amended to read as follows:

55 1. The city may, by duly adopted resolution of the city council or by  
56 instruments authorized by such resolution, convey, with or without

1 consideration, to the authority real and personal property owned by the  
2 city for use by the authority as a project. In case of real property so  
3 conveyed, the title thereto shall remain in the city but the authority  
4 shall have the use thereof for so long as its corporate existence shall  
5 continue and said real property shall be under its jurisdiction, control  
6 and supervision within the ambit of section nineteen hundred ~~[thirteen]~~  
7 sixty-three of this title and exempt from all taxes and assessments  
8 except such payments in lieu thereof as may be contained in such resol-  
9 ution or instrument of conveyance.

10 § 6. Section 1956 of the public authorities law, as amended by chapter  
11 907 of the laws of 1972, is amended to read as follows:

12 § 1956. Construction and purchase contracts. The provisions of law  
13 relating to the requirement of public bidding with respect to the  
14 construction of public facilities or projects shall not be applicable to  
15 the acquisition, construction, reconstruction, improvement, maintenance,  
16 equipping and furnishing of projects authorized by this ~~[act]~~ title.

17 § 7. Section 1957 of the public authorities law, as amended by chapter  
18 907 of the laws of 1972, is amended to read as follows:

19 § 1957. Moneys of the authority. All moneys of the authority, from  
20 whatever source derived, shall be paid to the ~~[treasurer]~~ authority's  
21 appointed chief financial officer of the city as agent of the authority,  
22 who shall not commingle such moneys with any other moneys. Such moneys  
23 shall be deposited in a separate bank account or accounts. The moneys in  
24 such accounts shall be paid out by the ~~[treasurer]~~ authority's appointed  
25 chief financial officer on requisition of the ~~[chairman]~~ chair of the  
26 authority or of such person as the authority may authorize to make such  
27 requisitions ~~[after audit by and upon the warrant of the comptroller]~~.  
28 All deposits of such moneys shall, if required by the ~~[treasurer or the]~~  
29 authority, be secured by obligations of a market value equal at all  
30 times to the amount of the deposit, and all banks and trust companies  
31 are authorized to give such security for such deposits. The ~~[treasurer]~~  
32 comptroller of the city and his or her legally authorized represen-  
33 tatives are authorized and empowered from time to time to examine the  
34 accounts and books of the authority, including its receipts, disburse-  
35 ments, contracts, leases, sinking funds, investments and any other  
36 records and papers relating to its financial standing. The authority  
37 shall have power, notwithstanding the provisions of this section, to  
38 contract with the holders of any of its bonds as to the custody,  
39 collection, securing, investment and payment of any moneys of the  
40 authority or any moneys held in trust or otherwise for the payment of  
41 bonds or in any way to secure bonds, and to carry out any such contract  
42 notwithstanding that such contract may be inconsistent with the previous  
43 provisions of this section. Moneys held in trust or otherwise for the  
44 payment of bonds or in any way to secure bonds and deposits of such  
45 moneys may be secured in the same manner as moneys of the authority, and  
46 all banks and trust companies are authorized to give such security for  
47 such deposits. The accounts of the authority shall be subject to the  
48 supervision of the state comptroller and he or she or his or her legally  
49 authorized representatives are hereby authorized and empowered from time  
50 to time to examine the accounts and books of the authority, including  
51 its receipts, disbursements, contracts, sinking funds, investments and  
52 any other matter relating to its financial standing and fiscal affairs.  
53 The authority shall render a complete annual account of its proceedings  
54 to the city council at its first meeting in ~~[February]~~ April of each and  
55 every year.

1     § 8. Paragraph (i) of subdivision 3 of section 1958 of the public  
2 authorities law, as added by chapter 759 of the laws of 1967, is amended  
3 to read as follows:

4     (i) vesting in a trustee or trustees such property, rights, powers and  
5 duties in trust as the authority may determine which may include any or  
6 all the rights, powers and duties of the trustees appointed by the bond-  
7 holders pursuant to section nineteen hundred ~~[and fifteen hereof]~~  
8 sixty-five of this title, and limiting or abrogating the right of the  
9 bondholders to appoint a trustee under said section or limiting the  
10 rights, duties and powers of trustee; and

11     § 9. Section 1967 of the public authorities law, as added by chapter  
12 759 of the laws of 1967, is amended to read as follows:

13     § 1967. Termination of the authority. Whenever all of the bonds issued  
14 by the authority shall have been redeemed or cancelled, and all  
15 straight-lease transactions have been terminated, the authority shall  
16 cease to exist and all rights, titles, and interest and all obligations  
17 and liabilities thereof vested in or possessed by the authority shall  
18 thereupon vest in and be possessed by the city of Troy.

19     § 10. This act shall take effect immediately.