STATE OF NEW YORK

2728

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the preservation of regionally significant projects

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

Section 1. Paragraph (a) of subdivision 2 of section 862 of the general municipal law, as added by section 1 of part J of chapter 59 of the laws of 2013, is amended to read as follows:

(a) Except as provided in paragraph (b) of this subdivision, no financial assistance of the agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost. For the purposes of this article, "retail sales" shall mean: (i) sales by a registered vendor under article twenty-eight of the tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers. Except, however, that [~~tourism destination~~] **regionally significant** projects shall not be prohibited by this subdivision. For the purpose of this paragraph, [~~"tourism destination"~~] **"regionally significant project"** shall mean a location or facility [~~which is likely to attract a significant number of visitors from outside the economic development region as established by section two hundred thirty of the economic development law, in which the project is located~~] **where: (i) the agency board has determined with the benefit of an independent third-party analysis of costs versus benefits that shows more benefits to the community than costs, that the project is likely to attract a significant number of visitors from outside the economic development region as established by section two hundred thirty of the economic development law, in which the**

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

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project is located and that undertaking the project will serve the public purposes of this article by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the state; and (ii) where the agency board makes such a finding, prior to providing financial assistance to the project by the agency, the chief executive officer of the city, town or village where the project is located shall confirm the proposed action of the agency.

§ 2. This act shall take effect immediately.