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S T A T E O F N E W Y O R K

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2007-2008 Regular Sessions

I N A S S E M B L Y

May 29, 2007

Introduced by M. of A. HOYT, JOHN, BRODSKY, MAGNARELLI, NOLAN, CAHILL, WEPRIN, GOTTFRIED, ARROYO, LATIMER, SWEENEY, SCHROEDER, PEOPLES, MORELLE, GUNTHER, DelMONTE -- Multi-Sponsored by -- M. of A. CAMARA, CANESTRARI, GIANARIS, JEFFRIES, REILLY -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the economic development law, the labor law and the public authorities law, in relation to the function of industrial development agencies and making certain conforming changes; and to amend chapter 444 of the laws of 1997 amending the general municipal law and the public authorities law relating to industrial development agencies and industrial development authorities, in relation to the effectiveness of certain provisions thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 4, 9, 14 and 18 of section 854 of the general
2 municipal law, subdivision 4 as separately amended by chapters 444 and
3 659 of the laws of 1997, subdivision 9 as amended by chapter 630 of the
4 laws of 1977, subdivisions 14 and 18 as added by chapter 356 of the laws
5 of 1993, and paragraph (c) of subdivision 18 as further amended by
6 section 15 of part GG of chapter 63 of the laws of 2000, are amended and
7 eight new subdivisions 20, 21, 22, 23, 24, 25, 26 and 27 are added to
8 read as follows:

9 (4) "Project" - shall mean any land, any building or other improve-
10 ment, and all real and personal properties located within the state of
11 New York and within or partially within and partially outside the muni-
12 cipality for whose benefit the agency was created, including, but not
13 limited to, machinery, equipment and other facilities deemed necessary
14 or desirable in connection therewith, or incidental thereto, whether or
15 not now in existence or under construction, which shall be suitable for
16 manufacturing, warehousing, research, civic, commercial or industrial
17 purposes or other economically sound purposes identified and called for

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
{ } is old law to be omitted.

LBD11176-04-7

1 to implement a state designated urban cultural park management plan as
2 provided in title G of the parks, recreation and historic preservation
3 law and which may include or mean an industrial pollution control facil-
4 ity, a recreation facility, educational or cultural facility, a horse
5 racing facility, a railroad facility, a continuing care retirement
6 community, or a civic facility, provided, however, that, of agencies
7 governed by this article, only agencies created for the benefit of a
8 county and the agency created for the benefit of the city of New York
9 shall provide financial assistance in any respect to a continuing care
10 retirement community, and provided, however, no agency shall provide
11 financial assistance in respect of any project partially outside the
12 municipality for whose benefit the agency was created without the prior
13 consent thereto by the governing body or bodies of all the other munici-
14 palities in which any part of the project is, or is to be, located.
15 Where a project is located partially within and partially outside the
16 municipality for whose benefit the agency was created, the portion of
17 the project outside the municipality must be contiguous with the portion
18 of the project inside the municipality. Provided further, that no agen-
19 cy shall provide financial assistance for any project where the project
20 applicant has any agreement to subsequently contract with a municipality
21 for the lease or purchase of such project or project facility. PROVIDED,
22 FURTHER, THAT NO AGENCY SHALL PROVIDE FINANCIAL ASSISTANCE TO A RECRE-
23 ATIONAL FACILITY UNLESS: IT WILL PROVIDE RECREATIONAL ACTIVITIES THAT
24 ARE NOT CURRENTLY PROVIDED IN THE AREA; THE RECREATIONAL FACILITY IS
25 LIKELY TO ATTRACT A SIGNIFICANT NUMBER OF VISITORS FROM OUTSIDE THE
26 ECONOMIC DEVELOPMENT REGION, AS ESTABLISHED BY SECTION TWO HUNDRED THIR-
27 TY OF THE ECONOMIC DEVELOPMENT LAW, IN WHICH THE PROJECT IS LOCATED; OR
28 THERE IS AN UNMET DEMAND FOR SUCH RECREATIONAL ACTIVITIES DESPITE THE
29 EXISTENCE OF ONE OR MORE PROVIDERS.

30 (9) "Recreation facility"--shall mean any facility for the use of the
31 general public as spectators or participants in recreation activities,
32 including {but not limited to} skiing, {golfing,} swimming, tennis, ice
33 skating or ice hockey facilities, together with all buildings, struc-
34 tures, machinery, equipment, facilities and appurtenances thereto which
35 the agency may deem necessary, useful or desirable in connection with
36 the construction, improvement or operation of any such facility, includ-
37 ing overnight accommodations and other facilities incidental thereto and
38 facilities that may permit the use of recreation facilities by the
39 general public as participants in recreation activities, but shall not
40 include facilities for automobile or horse racing or other similar
41 activities.

42 (14) "Financial assistance" - shall mean the proceeds of bonds issued
43 by an agency, straight-leases, GRANTS, LOANS, or exemptions from taxa-
44 tion claimed by a project occupant as a result of an agency taking
45 title, possession or control (by lease, license or otherwise) to the
46 property or equipment of such project occupant or of such project occu-
47 pant acting as an agent of an agency.

48 (18) "Highly distressed area" - shall mean (a) a census tract or
49 tracts or block numbering areas or areas or such census tract or block
50 numbering area contiguous thereto which, according to the most recent
51 census data available, has:

52 (i) a poverty rate of at least twenty percent for the year to which
53 the data relates or at least twenty percent of households receiving
54 public assistance; and

55 (ii) an unemployment rate of at least 1.25 times the statewide unem-
56 ployment rate for the year to which the data relates; or

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1 (b) a city, town, village or county within a city with a population of
2 one million or more for which: (i) the ratio of the full value property
3 wealth, as determined by the comptroller for the year nineteen hundred
4 ninety, per resident to the statewide average full value property wealth
5 per resident; and (ii) the ratio of the income per resident; as shown in

6 the nineteen hundred ninety census to the statewide average income per
7 resident; are each fifty-five percent or less of the statewide average{;
8 or

9 (c) an area which was designated an empire zone pursuant to article
10 eighteen-B of this chapter}.

11 (20) "APPLICATION" SHALL MEAN THE FORM SUBMITTED TO AN AGENCY TO
12 OBTAIN APPROVAL AND FINANCIAL ASSISTANCE FOR A PROJECT.

13 (21) "FULL-TIME JOB" SHALL MEAN A JOB IN WHICH AN INDIVIDUAL IS
14 EMPLOYED AT LEAST THIRTY-FIVE HOURS A WEEK.

15 (22) "LABOR MARKET AREA" SHALL MEAN AN AREA WITHIN WHICH INDIVIDUALS
16 CAN READILY CHANGE EMPLOYMENT WITHOUT CHANGING THEIR PLACE OF RESIDENCE.

17 (23) "LOSS OF EMPLOYMENT" SHALL MEAN THE LOSS OF FIFTY OR MORE JOBS IN
18 THE LABOR MARKET AREA THROUGH THE RELOCATION OF JOBS OR LAYOFFS.

19 (24) "PART-TIME JOB" SHALL MEAN A JOB IN WHICH AN INDIVIDUAL IS
20 EMPLOYED LESS THAN THIRTY-FIVE HOURS A WEEK.

21 (25) "PROJECT APPLICANT" SHALL MEAN A PERSON, FIRM, COMPANY, OR ORGAN-
22 IZATION THAT APPLIES FOR FINANCIAL ASSISTANCE FROM AN AGENCY TO DEVELOP
23 A PROJECT IN THIS STATE.

24 (26) "RECIPIENT" SHALL MEAN A PROJECT APPLICANT THAT HAS RECEIVED
25 APPROVAL AND FINANCIAL ASSISTANCE FOR A PROJECT.

26 (27) "SUBSTANTIAL VIOLATION" SHALL MEAN A VIOLATION OF A LAW, RULE OR
27 REGULATION THAT IS PUNISHABLE BY IMPRISONMENT FOR AT LEAST FIFTEEN DAYS
28 OR A FINE OF AT LEAST ONE HUNDRED DOLLARS, OR BOTH.

29 S 1-a. Paragraph (b) of subdivision 1 of section 856 of the general
30 municipal law, as added by chapter 1030 of the laws of 1969, is amended
31 to read as follows:

32 (b) Every such agency shall be perpetual in duration, except that if
33 (1) such certificate is not filed with the secretary of state within six
34 months after the effective date of the special act of the legislature
35 establishing such agency or before the first day of July, nineteen
36 hundred sixty-nine, whichever date shall be later, or if (2) at the
37 expiration of {ten} FIVE years subsequent to the effective date of the
38 special act, there shall be outstanding no bonds or other obligations
39 theretofore issued by such agency or by the municipality for or in
40 behalf of the agency, then the corporate existence of such agency shall
41 thereupon terminate and it shall thereupon be deemed to be and shall be
42 dissolved.

43 S 2. Subdivision 2 of section 856 of the general municipal law, as
44 amended by chapter 356 of the laws of 1993, is amended to read as
45 follows:

46 2. An agency shall be a corporate governmental agency, constituting a
47 public benefit corporation. Except as otherwise provided by special act
48 of the legislature, an agency shall consist of not less than three nor
49 more than seven members who shall be appointed by the governing body of
50 each municipality and who shall serve {at the pleasure of the appointing
51 authority} FOR A TERM OF FOUR YEARS. Such members {may} SHALL include
52 representatives of local government, school boards, organized labor
53 DESIGNATED BY THE LARGEST CENTRAL LABOR FEDERATION IN THE MUNICIPALITY,
54 and {business} ENVIRONMENTAL ORGANIZATIONS. A member shall continue to
55 hold office until his OR HER successor is appointed and has qualified.
56 The governing body of each municipality shall designate the first

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1 {chairman} CHAIRPERSON and file with the secretary of state a certifi-
2 cate of appointment or reappointment of any member. Such members shall
3 receive no compensation for their services but shall be entitled to the
4 necessary expenses, including traveling expenses, incurred in the
5 discharge of their duties. EACH MEMBER MUST ATTEND AT LEAST TEN PERCENT
6 OF ALL OF THE HEARINGS HELD PURSUANT TO SECTION EIGHT HUNDRED
7 FIFTY-NINE-A OF THIS TITLE OR SUCH MEMBER SHALL BE DEEMED TO HAVE
8 FORFEITED THEIR OFFICE. MEMBERS MUST NOT BE OR HAVE, WITHIN THE PAST
9 FIVE YEARS, BEEN:

10 (A) AN EMPLOYEE OR AN OWNER OF A FIRM THAT IS A PAID ADVISOR OR
11 CONSULTANT OF THE AGENCY, INCLUDING A PRESENT OR FORMER INDEPENDENT

12 AUDITOR OF THE AGENCY;

13 (B) EMPLOYED BY A SIGNIFICANT SUPPLIER OF THE AGENCY;

14 (C) EMPLOYED BY AND HAD A FIVE PERCENT OR GREATER OWNERSHIP INTEREST
15 IN A SUPPLIER WHERE SALES TO THE AGENCY REPRESENT MORE THAN ONE PERCENT
16 OF THE SALES OF THE SUPPLIER OR MORE THAN ONE PERCENT OF THE PURCHASES
17 OF THE AGENCY;

18 (D) A LOBBYIST REGISTERED UNDER A STATE OR LOCAL LAW COVERING ANY
19 JURISDICTION SERVED IN WHOLE OR IN PART BY THE AGENCY.

20 S 3. Subdivision 15 of section 858 of the general municipal law, as
21 added by chapter 356 of the laws of 1993, is amended and a new subdivi-
22 sion 18 is added to read as follows:

23 (15) To enter into agreements requiring payments in lieu of taxes.
24 Such agreements shall be in writing and in addition to other terms shall
25 contain: the amount due annually to each affected tax jurisdiction (or a
26 formula by which the amount due can be calculated), the name and address
27 of the person, office or agency to which payment shall be delivered, the
28 date on which payment shall be made, and the date on which payment shall
29 be considered delinquent if not paid. Unless otherwise agreed by the
30 affected tax jurisdictions, any such agreement shall provide that
31 payments in lieu of taxes shall be allocated among affected tax juris-
32 dictions in proportion to the amount of real property tax and other
33 taxes which would have been received by each affected tax jurisdiction
34 had the project not been tax exempt due to the status of the agency
35 involved in the project. A copy of any such agreement shall be delivered
36 to each affected tax jurisdiction within fifteen days of signing the
37 agreement. {In the absence of any such written agreement, payments in
38 lieu of taxes made by an agency shall be allocated in the same
39 proportions as they had been prior to January first, nineteen hundred
40 ninety-three for so long as the agency's activities render a project
41 non-taxable by affected tax jurisdictions;} THE AGREEMENT SHALL BE
42 PUBLISHED BY THE AGENCY IN ELECTRONIC AND PAPER FORM, AND SHALL BE POST-
43 ED ON ITS WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

44 (18) TO ESTABLISH AND MAINTAIN AN AGENCY WEBSITE.

45 S 4. Subdivision 2 of section 858-b of the general municipal law, as
46 added by chapter 356 of the laws of 1993, is amended to read as follows:

47 2. Except as is otherwise provided by collective bargaining contracts
48 or agreements, new employment opportunities created as a result of
49 projects of the agency shall be listed with the New York state depart-
50 ment of labor community services division, and with the administrative
51 entity of the service delivery area created by the federal job training
52 partnership act (P.L. No. 97-300) in which the project is located.
53 Except as is otherwise provided by collective bargaining contracts or
54 agreements, sponsors of projects shall agree, where practicable, to
55 first consider persons eligible to participate in the federal job train-
56 ing partnership (P.L. No. 97-300) programs who shall be referred by

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1 administrative entities of service delivery areas created pursuant to
2 such act or by the community services division of the department of
3 labor for such {such} new employment opportunities, AND SECONDLY TO
4 CONSIDER PERSONS LIVING IN A METROPOLITAN STATISTICAL AREA, AS DEFINED
5 BY THE UNITED STATES BUREAU OF LABOR STATISTICS, THAT IS IN OR ADJACENT
6 TO THE PROJECT IN WHICH THE MOST RECENT CENSUS DETERMINES THAT MORE THAN
7 THIRTY PERCENT OF THE RESIDENTS LIVE BELOW THE FEDERAL POVERTY LINE, AS
8 ISSUED IN THE FEDERAL REGISTER BY THE FEDERAL DEPARTMENT OF HEALTH AND
9 HUMAN SERVICES.

10 S 5. Section 859 of the general municipal law, as added by chapter 692
11 of the laws of 1989, paragraph (b), and the first and second undesig-
12 nated paragraphs and subparagraph (v) of paragraph (e) of subdivision 1
13 as amended by chapter 357 of the laws of 1993, paragraph (e) of subdivi-
14 sion 1 and subdivision 3 as added and subdivision 2 as amended by chap-
15 ter 356 of the laws of 1993, and paragraph (f) of subdivision 1 as added
16 by section 28 of part A3 of chapter 62 of the laws of 2003, is amended
17 to read as follows:

18 S 859. Financial AND OTHER records. 1. (a) Each agency shall maintain
19 books and records in such form as may be prescribed by the state comp-
20 troller.

21 (b) Within ninety days following the close of its fiscal year, each
22 agency or authority shall prepare a financial statement for that fiscal
23 year in such form as may be prescribed by the state comptroller. Such
24 statement shall be audited within such ninety day period by an independ-
25 ent certified public accountant in accordance with government accounting
26 standards established by the United States general accounting office.
27 The audited financial statement shall include supplemental schedules
28 listing all straight-lease transactions and bonds and notes issued,
29 outstanding or retired during the applicable accounting period whether
30 or not such bonds, notes or transactions are considered obligations of
31 the agency. For each issue of bonds or notes such schedules shall
32 provide the name of each project financed with proceeds of each issue,
33 and whether the project occupant is a not-for-profit corporation, the
34 name and address of each owner of each project, the estimated amount of
35 tax exemptions authorized for each project, the purpose for which each
36 bond or note was issued, date of issue, interest rate at issuance and if
37 variable the range of interest rates applicable, maturity date, federal
38 tax status of each issue, and an estimate of the number of jobs created
39 and retained by each project. For each straight-lease transaction, such
40 schedules shall provide the name of each project, and whether the
41 project occupant is a not-for-profit corporation, the name and address
42 of each owner of each project, the estimated amount of tax exemptions
43 authorized for each project, the purpose for which each transaction was
44 made, the method of financial assistance utilized by the project, other
45 than the tax exemptions claimed by the project and an estimate of the
46 number of jobs created and retained by each project.

47 (c) WITHIN NINETY DAYS FOLLOWING THE CLOSE OF ITS FISCAL YEAR, THE
48 AGENCY SHALL PREPARE A PROJECT REPORT FOR THAT FISCAL YEAR IN SUCH FORM
49 AS MAY BE PRESCRIBED BY THE STATE COMPTROLLER. SUCH REPORT SHALL INCLUDE
50 THE FOLLOWING INFORMATION CONCERNING RECIPIENTS THAT HAVE A CURRENT
51 FINANCIAL ASSISTANCE AGREEMENT WITH THE AGENCY:

52 (I) THE TOTAL AMOUNT OF EACH TYPE OF FINANCIAL ASSISTANCE PROVIDED TO
53 RECIPIENTS;

54 (II) THE TOTAL AMOUNT OF UNPAID TAX REVENUE TO THE MUNICIPALITY AS A
55 RESULT OF SUCH AGREEMENTS;

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1 (III) A LIST OF ALL PROJECTS, INCLUDING THE FOLLOWING INFORMATION FOR
2 EACH PROJECT:

3 (1) A DESCRIPTION OF THE PROJECT, INCLUDING THE NAME, ADDRESS, AND THE
4 NAMES OF THE RECIPIENT AND ANY TENANTS AT THE PROJECT;

5 (2) THE PUBLIC PURPOSE AND BENEFITS OF THE PROJECT;

6 (3) THE AMOUNT OF EACH TYPE OF FINANCIAL ASSISTANCE PROVIDED, INCLUD-
7 ING THE PERIOD OF THE ASSISTANCE AND THE AMOUNT OF UNPAID TAX REVENUES
8 AS A RESULT OF THE AGREEMENT;

9 (4) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS REQUIRED TO
10 BE CREATED OR RETAINED, AND THE NUMBER AND TYPES OF JOBS ACTUALLY
11 CREATED OR RETAINED;

12 (5) THE WAGES AND BENEFITS REQUIRED TO BE PAID, AND THE WAGES AND
13 BENEFITS ACTUALLY PAID;

14 (6) THE AMOUNT OF CAPITAL INVESTMENT AND OTHER EXPENDITURES REQUIRED
15 TO BE MADE BY THE RECIPIENT, AND THE AMOUNTS ACTUALLY EXPENDED;

16 (7) ANY PAYMENTS MADE IN LIEU OF TAXES, INCLUDING ANY DELINQUENT
17 PAYMENTS; AND

18 (8) ANY ENFORCEMENT ACTION BY ANY LOCAL OR STATE AGENCY OR DEPARTMENT
19 FOR NON-COMPLIANCE WITH THE AGREEMENT.

20 (D) Within thirty days after completion, a copy of the audited finan-
21 cial statement AND THE PROJECT REPORT shall be transmitted to the
22 commissioner of the department of economic development, the state comp-
23 troller and the governing body of the municipality for whose benefit the
24 agency was created.

25 {(d)} (E) An agency with no bonds or notes OR OTHER FINANCIAL ASSIST-
26 ANCE issued or outstanding and no projects during the applicable
27 accounting period may apply to the state comptroller for a waiver of the
28 required audited financial statement AND PROJECT REPORT. Application
29 shall be made on such form as the comptroller may prescribe.

30 {(e)} (F) If an agency or authority shall fail to file or substantial-
31 ly complete, as determined by the state comptroller, the financial
32 statement AND THE PROJECT REPORT required by this section, the state
33 comptroller shall provide notice to the agency or authority. The notice
34 shall state the following:

35 (i) that the failure to file a financial statement AND THE PROJECT
36 REPORT as required is a violation of this section, or in the case of an
37 insufficient financial statement OR PROJECT REPORT, the manner in which
38 the financial statement OR PROJECT REPORT submitted is deficient;

39 (ii) that the agency or authority has thirty days to comply with this
40 section or provide an adequate written explanation to the comptroller of
41 the agency's or authority's reasons for the inability to comply; and

42 (iii) that the agency's or authority's failure to provide either the
43 required financial statement AND THE PROJECT REPORT or an adequate
44 explanation will result in the notification of the chief executive offi-
45 cer of the municipality for whose benefit the agency or authority was
46 created of the agency's noncompliance with this section. Where such
47 agency or authority has failed to file the required statement AND
48 PROJECT REPORT, the comptroller shall additionally notify the agency or
49 authority that continued failure to file the required statement AND
50 PROJECT REPORT may result in loss of the agency's or authority's author-
51 ity to provide exemptions from state taxes.

52 (iv) If an agency or authority after thirty days has failed to file
53 the required statement or the explanation in the manner required by
54 subparagraph (i) of this paragraph, or provides an insufficient explana-
55 tion, the comptroller shall notify the chief executive officer of the
56 municipality for whose benefit the agency or authority was created and

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1 the agency of the agency's or authority's noncompliance with this
2 section. Such notice from the state comptroller shall further delineate
3 in what respect the agency or authority has failed to comply with this
4 section. If the agency or authority has failed to file the required
5 statement AND PROJECT REPORT, the notice shall additionally state that
6 continued failure to file the required statement AND PROJECT REPORT may
7 result in loss of the agency's or authority's authority to provide
8 exemptions from state taxes.

9 (v) If, thirty days after notification of the chief executive officer
10 of the municipality for whose benefit the agency or authority was
11 created of the agency's or authority's noncompliance, the agency or
12 authority fails to file the required statement AND PROJECT REPORT, the
13 comptroller shall notify the chief executive officer of the municipality
14 for whose benefit that agency or authority was created and the agency or
15 authority that if such STATEMENT AND PROJECT report {is} ARE not
16 provided within sixty days, that the agency or authority will no longer
17 be authorized to provide exemptions from state taxes.

18 (vi) If, sixty days after the notification required by subparagraph
19 (v) of this paragraph, the comptroller has not received the required
20 statement AND PROJECT REPORT, the agency or authority shall not offer
21 financial assistance which provides exemptions from state taxes until
22 such financial statement {is} AND PROJECT REPORT ARE filed and the comp-
23 troller shall so notify the agency or authority and the chief executive
24 officer of the municipality for whose benefit the agency was created.
25 Provided, however, that nothing contained in this paragraph shall be
26 deemed to modify the terms of any existing agreements.

27 {(f)} (G) Within thirty days after completion, a copy of an audited
28 financial statement which contains transactions of or bonds or notes of
29 civic facilities as defined in paragraph (b) of subdivision thirteen of
30 section eight hundred fifty-four of this {article} TITLE, AND THE

31 PROJECT REPORT, shall be transmitted by the agency to the commissioner
32 of health, the chair of the senate finance committee, the chair of the
33 assembly ways and means committee, the chair of the senate health
34 committee and the chair of the assembly health committee.

35 (H) THE PROJECT REPORT AND THE AUDITED FINANCIAL STATEMENT SHALL BE
36 PUBLISHED IN ELECTRONIC AND PAPER FORM, AND SHALL BE POSTED ON THE AGEN-
37 CY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

38 2. On or before September first of each year, the commissioner of the
39 department of economic development shall prepare and submit to the
40 governor, speaker of the assembly, majority leader of the senate, and
41 the state comptroller, a report setting forth a summary of the signif-
42 icant trends in operations and financing by agencies and authorities;
43 departures from acceptable practices by agencies and authorities; a
44 compilation by type of the bonds and notes outstanding AND OTHER FINAN-
45 CIAL ASSISTANCE PROVIDED; a compilation of all outstanding straight-
46 lease transactions; an estimate of the total number of jobs created and
47 retained by agency or authority projects; AN ESTIMATE OF THE WAGES AND
48 BENEFITS PAID BY RECIPIENTS BROKEN DOWN BY JOB TYPE; A STATEMENT OF
49 WHETHER ANY RECIPIENT FAILED TO REMAIN AT A PROJECT FOR THE REQUIRED
50 PERIOD; A SUMMARY OF ANY ENFORCEMENT ACTIONS FOR NON-COMPLIANCE WITH
51 THIS SECTION OR ANY FINANCIAL ASSISTANCE AGREEMENT; and any other infor-
52 mation which in the opinion of the commissioner bears upon the discharge
53 of the statutory functions of agencies and authorities.

54 3. On or before April first, nineteen hundred ninety-six, the commis-
55 sioner shall submit to the director of the division of the budget, the
56 temporary president of the senate, the speaker of the assembly, the

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1 chairman of the senate finance committee, the chairman of the assembly
2 ways and means committee, the chairman of the senate local government
3 committee, the chairman of the senate committee on commerce, economic
4 development and small business, the chairman of the assembly committee
5 on commerce, industry and economic development, the chairman of the
6 assembly local governments committee and the chairman of the assembly
7 real property taxation committee an evaluation of the activities of
8 industrial development agencies and authorities in the state prepared by
9 an entity independent of the department. Such evaluation shall identify
10 the effect of agencies and authorities on: (a) job creation and
11 retention in the state, including the types of jobs created and
12 retained; (b) PAYMENT OF WAGES AND BENEFITS ON PROJECTS; (c) COMMITMENTS
13 BY RECIPIENTS TO REMAIN FOR THE REQUIRED PERIOD; (d) the value of tax
14 exemptions provided by such agencies and authorities; (e) the
15 value of payments received in lieu of taxes received by municipalities
16 and school districts as a result of projects sponsored by such entities;
17 (f) a summary of the types of projects that received financial
18 assistance; (g) a summary of the types of financial assistance
19 provided by the agencies and authorities; (h) a summary of crite-
20 ria for evaluation of projects used by agencies and authorities; (i)
21 a summary of tax exemption policies of agencies and authorities; and
22 (j) such other factors as may be relevant to an assessment of the
23 performance of such agencies and authorities in creating and retaining
24 job opportunities for residents of the state. Such evaluation shall also
25 assess the process by which agencies and authorities grant exemptions
26 from state taxes and make recommendations for the most efficient and
27 effective procedures for the use of such exemptions. Such evaluation
28 shall further include any recommendations for changes in laws governing
29 the operations of industrial development agencies and authorities which
30 would enhance the creation and retention of jobs in the state.

31 4. (A) EACH AGENCY SHALL MAINTAIN:

32 (I) AN OFFICIAL RECORD OF ITS PROCEEDINGS, INCLUDING ALL MINUTES OF
33 MEETINGS, RESOLUTIONS AND MOTIONS VOTED UPON;

34 (II) A LIST OF ALL PENDING PROJECTS FOR WHICH IT HAS RECEIVED AN
35 APPLICATION; AND

36 (III) A SCHEDULE OF ALL PAYMENTS IN LIEU OF TAXES (PILOT) OWED TO

37 AFFECTED TAX JURISDICTIONS, INCLUDING ALL DELINQUENT PILOT PAYMENTS AND
38 THE NAME OF THE TAXPAYER, THE AMOUNT OF THE DELINQUENCY AND THE DUE DATE
39 OF THE PAYMENT.

40 (B) THE INFORMATION REQUIRED UNDER THIS SUBDIVISION SHALL BE PUBLISHED
41 ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC INSPECTION.

42 S 6. Section 859-a of the general municipal law, as added by chapter
43 356 of the laws of 1993, subdivision 3 as amended by chapter 444 of the
44 laws of 1997, is amended to read as follows:

45 S 859-a. Additional prerequisites to the provisions of financial
46 assistance. 1. THE AGENCY SHALL PROVIDE FINANCIAL ASSISTANCE OF LESS
47 THAN ONE HUNDRED THOUSAND DOLLARS TO NO LESS THAN THREE PROJECTS EACH
48 CALENDAR YEAR; PROVIDED THAT IN ANY YEAR WHERE NO FINANCIAL ASSISTANCE
49 IS PROVIDED TO ANY PROJECT, OR IN CASES WHERE NO PROJECT REQUESTS FOR
50 LESS THAN ONE HUNDRED THOUSAND DOLLARS ARE RECEIVED, SUCH REQUIREMENT
51 SHALL BE WAIVED.

52 2. Prior to providing any financial assistance of more than one
53 hundred thousand dollars to any project, the agency must comply with the
54 following prerequisites:

55 {1.} (A) The agency must adopt a resolution describing the project and
56 the financial assistance that the agency is contemplating with respect

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1 to such project. Such assistance shall be consistent with the uniform
2 {tax exemption} PAYMENT IN LIEU OF TAX (PILOT) policy adopted by the
3 agency pursuant to subdivision four of section eight hundred seventy-
4 four of this {chapter} TITLE, unless the agency has followed the proce-
5 dures for deviation from such policy specified in paragraph (b) of such
6 subdivision.

7 (B) THE AGENCY SHALL ADOPT A RESOLUTION ESTABLISHING CRITERIA TO EVAL-
8 UATE AND SELECT PROJECTS FOR WHICH FINANCIAL ASSISTANCE MAY BE PROVIDED.
9 THE CRITERIA SHALL REQUIRE THAT:

10 (I) ALL NECESSARY INFORMATION AND CERTIFICATIONS HAVE BEEN SUBMITTED
11 TO THE AGENCY PRIOR TO THE APPROVAL OF AN APPLICATION;

12 (II) CLEAR AND CONVINCING EVIDENCE EXISTS THAT THE PROJECT WOULD NOT
13 BE UNDERTAKEN BUT FOR THE FINANCIAL ASSISTANCE PROVIDED BY THE AGENCY;

14 (III) THE AGENCY HAS UNDERTAKEN AN INDEPENDENT ANALYSIS COMPARING EACH
15 PROPOSED PROJECT BASED ON THE NUMBER OF FULL-TIME AND PART-TIME JOBS TO
16 BE CREATED AND RETAINED, THE WAGES AND BENEFITS TO BE PAID FOR THOSE
17 JOBS, AND THE ESTIMATED COST OF THE FINANCIAL ASSISTANCE;

18 (IV) THE AGENCY HAS DETERMINED THAT THE PROJECTED JOB CREATION AND
19 RETENTION GOALS ARE REASONABLE;

20 (V) THE AGENCY HAS ESTABLISHED BENCHMARKS TO DETERMINE WHETHER THE
21 PROJECT WILL MEET PROJECTED GOALS, INCLUDING JOB CREATION AND RETENTION
22 GOALS;

23 (VI) THE AGENCY HAS ESTABLISHED A POINT SCORING SYSTEM TO EVALUATE THE
24 JOB, WAGE, INVESTMENT, AND COMMUNITY AND WORKFORCE DEVELOPMENT ATTRI-
25 BUTES OF EACH PROJECT IN ORDER TO DETERMINE A SCHEDULE FOR RELEASING THE
26 FINANCIAL ASSISTANCE; AND

27 (VII) THE AGENCY HAS REVIEWED THE PROJECT APPLICANT'S COMPLIANCE WITH
28 APPLICABLE LAWS AND REGULATIONS.

29 (C) THE AGENCY HAS RECEIVED AN APPLICATION AND COMMUNITY IMPACT REPORT
30 FROM THE RECIPIENT.

31 {2} 3. The agency {must} SHALL hold a public hearing with respect to
32 the project and the proposed financial assistance being contemplated by
33 the agency WITHIN SIXTY DAYS OF THE FILING OF THE APPLICATION AND COMMU-
34 NITY IMPACT REPORT. {Said} SUCH public hearing shall be held in a city,
35 town or village where the project {proposes} IS PROPOSED to {locate} BE
36 LOCATED AND SHALL BE ATTENDED BY NO LESS THAN TWO BOARD MEMBERS. At
37 {said} SUCH public hearing, interested parties shall be provided reason-
38 able opportunity, both orally and in writing, to present their views
39 with respect to the project, THE APPLICATION, AND THE COMMUNITY IMPACT
40 REPORT.

41 {3} 4. The agency must give at least thirty days published notice of
42 {said} SUCH public hearing and shall, at the same time, provide notice

43 of such hearing to {the} STATE LEGISLATORS, chief executive officer AND
44 GOVERNING BODY of each affected tax jurisdiction within which the
45 project is PROPOSED TO BE located. SUCH NOTICE SHALL ALSO BE PROVIDED
46 VIA E-MAIL AND SHALL BE POSTED ON THE AGENCY WEBSITE. The notice of
47 hearing must state the time and place of the hearing, contain a general,
48 functional description of the project, describe the prospective location
49 of the project, identify the initial owner, operator or manager of the
50 project {and}, generally describe the financial assistance contemplated
51 by the agency with respect to the project, and provide an opportunity
52 for the public to review the project application AND THE COMMUNITY
53 IMPACT REPORT, which shall include an analysis of the costs and benefits
54 of the proposed project.

55 5. THE AGENCY SHALL MAINTAIN A COMPLETE AND ACCURATE RECORD OF THE
56 HEARING, INCLUDING ALL DOCUMENTS AND ALL WRITTEN OR ORAL STATEMENTS

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1 PRESENTED. ANY MEMBERS NOT PRESENT AT THE HEARING SHALL BE PROVIDED WITH
2 A COPY OF SUCH RECORD BEFORE DECIDING WHETHER TO APPROVE THE APPLICA-
3 TION. SUCH RECORD SHALL ALSO BE POSTED ON THE AGENCY WEBSITE AND MADE
4 AVAILABLE FOR PUBLIC INSPECTION.

5 6. AN AGENCY MAY NOT APPROVE AN APPLICATION UNLESS IT FINDS THAT ANY
6 NEGATIVE IMPACT FROM THE PROJECT PRESENTED IN THE COMMUNITY IMPACT
7 REPORT OR DURING THE HEARING PROCESS WILL BE AVOIDED OR MINIMIZED TO THE
8 MAXIMUM EXTENT POSSIBLE.

9 S 7. The general municipal law is amended by adding a new section
10 859-c to read as follows:

11 S 859-C. APPLICATION AND COMMUNITY IMPACT REPORT. 1. THE PROJECT
12 APPLICANT SHALL SUBMIT AN APPLICATION TO THE AGENCY FOR APPROVAL OF A
13 PROPOSED PROJECT AND FINANCIAL ASSISTANCE. THE DEPARTMENT OF ECONOMIC
14 DEVELOPMENT SHALL DEVELOP AN APPLICATION FORM FOR THE AGENCY TO PROVIDE
15 TO APPLICANTS THAT SHALL REQUIRE THE FOLLOWING INFORMATION:

16 (A) THE NAME AND ADDRESS OF THE PROJECT APPLICANT, INCLUDING THE NAMES
17 OF THE PRINCIPAL OFFICERS AND ANY PARENT OR SUBSIDIARY CORPORATIONS, AND
18 MAJOR SHAREHOLDERS (TEN PERCENT OR MORE OF THE VOTING SHARES FOR PUBLIC-
19 LY TRADED COMPANIES, AND TWENTY-FIVE PERCENT OR MORE OF THE SHARES FOR
20 OTHER COMPANIES);

21 (B) A DESCRIPTION OF THE PROJECT, INCLUDING THE ADDRESS OF THE
22 PROPOSED LOCATION;

23 (C) THE PUBLIC PURPOSE OF THE PROJECT;

24 (D) THE PROJECTED PUBLIC AND PRIVATE COSTS OF THE PROJECT, INCLUDING
25 FINANCIAL ASSISTANCE AND CAPITAL AND INFRASTRUCTURE COSTS;

26 (E) THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED;

27 (F) THE AMOUNT AND TYPE OF PRIVATE FINANCING REQUIRED, AND THE TERMS
28 AND COMMITMENTS TO PROVIDE SUCH FINANCING;

29 (G) THE AMOUNT AND TYPE OF CAPITAL INVESTMENT TO BE PROVIDED BY THE
30 PROJECT APPLICANT;

31 (H) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS TO BE
32 CREATED, THE WAGES AND BENEFITS TO BE PAID, THE PROJECTED DATES OF HIRE,
33 AND THE NUMBER OF LOCAL RESIDENTS TO BE EMPLOYED;

34 (I) A STATEMENT AS TO WHETHER THE PROJECT APPLICANT, ITS OFFICERS,
35 PARENT COMPANY, SUBSIDIARIES, OR MAJOR SHAREHOLDERS HAVE BEEN FOUND TO
36 HAVE VIOLATED ANY FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION RELAT-
37 ING TO ENVIRONMENTAL PROTECTION, TAXATION, FINANCIAL ASSISTANCE,
38 PROTECTION OF WORKERS, OR MINORITY OR WOMEN-OWNED BUSINESSES, OR IS
39 SUBJECT TO A PENDING PROCEEDING OR INVESTIGATION FOR SUCH A VIOLATION;

40 (J) A CERTIFICATION BY THE PROJECT APPLICANT'S CHIEF EXECUTIVE OFFICER
41 THAT THE APPLICATION IS ACCURATE AND COMPLETE;

42 (K) THE NAME OF THE PROJECT ARCHITECT, ENGINEER AND CONTRACTORS;

43 (L) THE HISTORY OF THE APPLICANT INCLUDING THE YEAR THE BUSINESS WAS
44 ESTABLISHED, ANNUAL REPORT AND STATEMENT AND STATUS REGARDING THE PAST
45 USE OF GOVERNMENT INCENTIVES;

46 (M) A PROJECT DESCRIPTION INCLUDING LOCATION, PROPERTY AND/OR BUILDING
47 SIZE AND PROPOSED START AND COMPLETION DATES; AND

48 (N) A NARRATIVE DESCRIPTION BY THE APPLICANT REGARDING THE NEED FOR

49 THE IDA ASSISTANCE REQUESTED.

50 2. (A) THE PROJECT APPLICANT SHALL SUBMIT A COMMUNITY IMPACT REPORT TO
51 THE AGENCY THAT SHALL INCLUDE THE FOLLOWING INFORMATION:

52 (I) A DESCRIPTION OF THE PROPOSED PROJECT AND THE ECONOMIC, SOCIAL,
53 AND ENVIRONMENTAL CONDITIONS EXISTING IN THE COMMUNITY WHERE THE PROJECT
54 IS TO BE LOCATED;

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1 (II) AN ANALYSIS OF THE ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPACT OF
2 THE PROJECT ON THE COMMUNITY, INCLUDING ITS EMPLOYMENT, INFRASTRUCTURE
3 AND HOUSING;

4 (III) A STATEMENT OF ANY POTENTIAL ADVERSE ECONOMIC, SOCIAL OR ENVI-
5 RONMENTAL EFFECTS TO THE COMMUNITY AND OTHER AREAS OF THE STATE;

6 (IV) AN ANALYSIS OF THE IMPACT ON TRANSPORTATION AND THE PUBLIC TRANS-
7 PORTATION ALTERNATIVES FOR THE PROJECT;

8 (V) AN ANALYSIS OF THE EXISTING ON-SITE INFRASTRUCTURE AND ANY
9 PROPOSED NEW INFRASTRUCTURE;

10 (VI) AN ANALYSIS OF ALTERNATIVES, INCLUDING A NO-PROJECT ALTERNATIVE,
11 OR MITIGATION MEASURES THAT WILL AVOID OR MINIMIZE ANY NEGATIVE EFFECTS
12 FROM THE PROJECT;

13 (VII) AN ANALYSIS OF THE COSTS AND BENEFITS, INCLUDING ANY SHORT AND
14 LONG TERM PUBLIC COSTS AND OBLIGATIONS;

15 (VIII) THE AMOUNT AND TYPE OF PRIVATE AND PUBLIC FINANCING REQUIRED;

16 (IX) THE NUMBER AND TYPE OF FULL-TIME AND PART-TIME JOBS TO BE CREATED
17 OR RETAINED, AND THE WAGES AND BENEFITS TO BE PAID;

18 (X) THE EFFORTS THAT WILL BE USED TO HIRE LOCAL RESIDENTS; AND

19 (XI) ANY AFFORDABLE HOUSING TO BE PROVIDED.

20 (B) THE ENVIRONMENTAL INFORMATION REQUIRED UNDER PARAGRAPH (A) OF THIS
21 SUBDIVISION SHALL BE BASED ON THE STANDARDS ESTABLISHED UNDER THE
22 PROVISIONS AND REGULATIONS OF ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-
23 VATION LAW.

24 3. THE PROJECT APPLICANT SHALL SUBMIT THE COMMUNITY IMPACT REPORT WITH
25 THE APPLICATION TO THE AGENCY. A COPY OF BOTH DOCUMENTS SHALL BE
26 PROVIDED TO THE GOVERNING BODY OF EACH AFFECTED TAX JURISDICTION WITHIN
27 FIFTEEN DAYS OF THEIR RECEIPT BY THE AGENCY. THE APPLICATION AND COMMU-
28 NITY IMPACT REPORT SHALL BE SUBMITTED TO THE AGENCY IN PAPER AND ELEC-
29 TRONIC FORM, AND SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAIL-
30 ABLE FOR PUBLIC INSPECTION; PROVIDED, THAT IF ANY MATERIALS SUBMITTED
31 WITH THE APPLICATION CANNOT BE TRANSMITTED IN ELECTRONIC FORM, THEY MAY
32 BE SUBMITTED IN PAPER FORM.

33 S 8. The general municipal law is amended by adding a new section
34 859-d to read as follows:

35 S 859-D. FINANCIAL ASSISTANCE AGREEMENT. 1. THE AGENCY SHALL ENTER
36 INTO AN AGREEMENT WITH THE RECIPIENT PRIOR TO PROVIDING FINANCIAL
37 ASSISTANCE. THE FORM OF THE AGREEMENT SHALL BE PREPARED BY THE DEPART-
38 MENT OF ECONOMIC DEVELOPMENT AND SHALL INCLUDE THE FOLLOWING INFORMA-
39 TION:

40 (A) A DESCRIPTION OF THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE TO BE
41 PROVIDED BY THE AGENCY, INCLUDING THE FAIR MARKET VALUE OF SUCH ASSIST-
42 ANCE AND THE VALUE OF ANY PROPERTY CONVEYED AT LESS THAN FAIR MARKET
43 VALUE;

44 (B) A DESCRIPTION OF THE AMOUNT OF FINANCING TO BE PROVIDED BY THE
45 PROJECT OWNER;

46 (C) THE PUBLIC PURPOSE OF THE PROJECT, PROVIDED THAT SUCH PURPOSE MAY
47 NOT BE LIMITED TO INCREASING THE LOCAL TAX BASE, AND MAY NOT INCLUDE JOB
48 RETENTION UNLESS A SIGNIFICANT JOB LOSS IS IMMINENT AND DEMONSTRABLE;

49 (D) THE SPECIFIC AND MEASURABLE GOALS OF THE PROJECT;

50 (E) THE AMOUNT, TYPE, SOURCES AND COMMITMENTS OF ANY PRIVATE FINANC-
51 ING;

52 (F) THE INFRASTRUCTURE WORK REQUIRED, AND THE AMOUNT AND SOURCE OF
53 FINANCING FOR SUCH WORK;

54 (G) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS TO BE
55 CREATED, THE PROJECTED DATES OF HIRE, AND THE HOURLY WAGES AND BENEFITS
56 TO BE PAID;

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1 (H) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS TO BE
2 RETAINED, AND THE NUMBER OF JOBS EXISTING AT THE PROJECT ON THE DATE THE
3 AGREEMENT IS EXECUTED;
4 (I) THE AMOUNT AND TYPE OF AFFORDABLE HOUSING TO BE BUILT, IF ANY;
5 (J) THE AMOUNT, TYPE AND DATE OF CAPITAL INVESTMENT TO BE PROVIDED BY
6 THE RECIPIENT;
7 (K) A COMMITMENT TO CONTINUE OPERATIONS AT THE PROJECT SITE FOR AT
8 LEAST FIVE YEARS AFTER THE TERMS OF THE FINANCIAL ASSISTANCE HAVE
9 EXPIRED;
10 (L) A COMMITMENT TO MAKE TIMELY PAYMENTS IN LIEU OF TAXES; AND
11 (M) THE PENALTIES IF THE TERMS OF THE AGREEMENT ARE NOT MET.
12 2. THE AGENCY AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT, SHALL HAVE
13 THE RIGHT OF ACCESS TO THE PROJECT AND TO EXAMINE ALL DOCUMENTS, PAYROLL
14 RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE AGENCY OR DEPARTMENT
15 TO DETERMINE THE RECIPIENT IS IN COMPLIANCE WITH PROVISIONS OF THE
16 FINANCIAL ASSISTANCE AGREEMENT AND THIS ARTICLE. THE AGENCY SHALL COOP-
17 ERATE FULLY WITH THE DEPARTMENT IN CARRYING OUT ITS DUTIES.
18 3. THE AGENCY SHALL FILE A COPY OF THE FINANCIAL ASSISTANCE AGREEMENT,
19 THE APPLICATION AND THE COMMUNITY IMPACT REPORT WITH THE GOVERNING BODY
20 OF THE MUNICIPALITY WITHIN FIVE DAYS OF THE EXECUTION OF THE AGREEMENT.
21 THE AGREEMENT SHALL BE EFFECTIVE WITHIN SIXTY DAYS OF THE DATE OF ITS
22 EXECUTION UNLESS A MEMBER OF THE GOVERNING BODY FILES A NOTICE OF INTENT
23 TO REVIEW THE AGREEMENT WITH THE GOVERNING BODY. UPON THE FILING OF SUCH
24 NOTICE, THE FINANCIAL ASSISTANCE AGREEMENT SHALL NOT TAKE EFFECT UNTIL
25 THE AGREEMENT IS APPROVED BY THE GOVERNING BODY.
26 4. (A) IF THE RECIPIENT FAILS TO FULFILL ANY OBLIGATION UNDER THE
27 FINANCIAL ASSISTANCE AGREEMENT, OR IS FOUND TO HAVE COMMITTED A SUBSTAN-
28 TIAL VIOLATION OF ANY STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO
29 ENVIRONMENTAL PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF
30 WORKERS, OR MINORITY OR WOMEN-OWNED BUSINESSES BY FINAL JUDGMENT OF A
31 COURT OR ADMINISTRATIVE TRIBUNAL, THE AGENCY SHALL IMMEDIATELY SUSPEND
32 ALL FINANCIAL ASSISTANCE TO THE RECIPIENT. THE RECIPIENT SHALL NOTIFY
33 THE AGENCY WITHIN FOURTEEN DAYS OF SUCH JUDGMENT. THE AGENCY SHALL
34 PROMPTLY ISSUE A NOTICE OF DEFAULT TO THE RECIPIENT WHO SHALL REMIT
35 REPAYMENT WITHIN SIXTY DAYS OF THE DATE OF SUCH NOTICE. ALL FINANCIAL
36 ASSISTANCE PREVIOUSLY PROVIDED TO THE RECIPIENT SHALL BE REVOKED AND THE
37 RECIPIENT SHALL REPAY SUCH ASSISTANCE TO THE AGENCY AT A RATE OF INTER-
38 EST EQUAL TO THE PRIME RATE, PLUS ONE PERCENT AS OF THE DATE OF THE
39 NOTICE. THE AMOUNT OF REPAYMENT MAY BE PRORATED ACCORDING TO ANY PARTIAL
40 FULFILLMENT OF THE RECIPIENT'S OBLIGATIONS UNDER THE AGREEMENT.
41 (B) IF A RECIPIENT IS REQUIRED TO REPAY FINANCIAL ASSISTANCE UNDER
42 THIS SUBDIVISION, THE RECIPIENT AND ANY SUBSIDIARY, PARENT OR SUCCESSOR
43 OF THE RECIPIENT SHALL BE PROHIBITED FROM ENTERING INTO A FINANCIAL
44 ASSISTANCE AGREEMENT WITH ANY OTHER STATE OR LOCAL AGENCY OR INSTRUMEN-
45 TALIITY OF THIS STATE UNTIL THE AGENCY HAS RECEIVED FULL REPAYMENT OF THE
46 AMOUNT DUE.
47 (C) WHENEVER THE ATTORNEY GENERAL HAS GOOD REASON TO BELIEVE THAT THE
48 RECIPIENT'S FAILURE TO FULFILL THE FINANCIAL ASSISTANCE AGREEMENT
49 INVOLVES THE STATE'S INTEREST, OR THAT THE RECIPIENT HAS COMMITTED A
50 SUBSTANTIAL VIOLATION OF THE LAWS OF THIS STATE, HE OR SHE MAY COMMENCE
51 AN ACTION TO RECOVER THE FINANCIAL ASSISTANCE AND FOR SUCH OTHER RELIEF
52 AS PROVIDED BY LAW.
53 (D) WHERE AN INDUSTRIAL DEVELOPMENT AGENCY FUNDED BUILDING IS FOUND TO
54 HAVE TENANTS WHICH ARE IN VIOLATION OF SUCH INDUSTRIAL DEVELOPMENT AGEN-
55 CY'S REQUIREMENTS FOR FUNDING, THE DEVELOPER MUST REIMBURSE ALL FINAN-
56 CIAL ASSISTANCE GIVEN IN THE FORM OF TAX EXEMPTIONS. THIS SPECIFICALLY

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1 APPLIES TO PROJECTS FOR SPECULATION BUILDINGS WHICH HAVE RECEIVED A TAX
2 BREAK FOR CONSTRUCTION MATERIALS WITHOUT REVEALING THE IDENTITIES OF ALL
3 FUTURE QUALIFIED COMMERCIAL TENANTS. WHERE A BUILDING PROJECT RECEIVES

4 TAX EXEMPTIONS THROUGH SUCH INDUSTRIAL DEVELOPMENT AGENCY AND LATER
5 HOUSES UNQUALIFIED COMMERCIAL TENANTS, SUCH DEVELOPER WILL BE REQUIRED
6 TO REPAY ALL TAXES WHICH WERE AVOIDED DUE TO RECEIVING INDUSTRIAL DEVEL-
7 OPMENT AGENCY ASSISTANCE.

8 S 9. The general municipal law is amended by adding a new section
9 859-e to read as follows:

10 S 859-E. WAGES AND STANDARDS. 1. WHENEVER A RECIPIENT OF FINANCIAL
11 ASSISTANCE FROM AN AGENCY ENTERS INTO ANY CONTRACT, SUBCONTRACT, LEASE,
12 GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR OR IN CONNECTION WITH ANY
13 CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION,
14 REPAIR, RENOVATION, ALTERATION, OR IMPROVEMENT WORK ON A PROJECT, SUCH
15 PROJECT SHALL BE DEEMED TO BE A PUBLIC WORK FOR THE PURPOSES OF ARTICLE
16 EIGHT OF THE LABOR LAW AND ALL THE PROVISIONS OF SUCH ARTICLE SHALL
17 APPLY. AN EMPLOYER SHALL PAY EMPLOYEES NO LESS THAN THE PREVAILING RATE
18 OF WAGE AND SUPPLEMENTS UNDER ARTICLE EIGHT OF THE LABOR LAW.

19 2. THE AGENCY SHALL REQUIRE THAT WHENEVER WORK IS PERFORMED UNDER
20 SUBDIVISION ONE OF THIS SECTION, THE RECIPIENT SHALL USE CONTRACTORS AND
21 SUBCONTRACTORS THAT HAVE APPRENTICESHIP AGREEMENTS APPROPRIATE FOR THE
22 TYPE AND SCOPE OF WORK TO BE PERFORMED, THAT HAVE BEEN REGISTERED WITH
23 AND APPROVED BY THE COMMISSIONER OF LABOR PURSUANT TO ARTICLE
24 TWENTY-THREE OF THE LABOR LAW.

25 3. WHENEVER FINANCIAL ASSISTANCE IS PROVIDED TO A RECIPIENT BY AN
26 AGENCY FOR A PROJECT, ALL WORK PERFORMED IN CONNECTION WITH THE CARE,
27 MAINTENANCE OR PROTECTION OF THE PROPERTY AT THE PROJECT SHALL BE DEEMED
28 TO BE BUILDING SERVICE WORK FOR THE PURPOSES OF ARTICLE NINE OF THE
29 LABOR LAW AND ALL THE PROVISIONS OF SUCH ARTICLE SHALL APPLY. EMPLOYERS
30 SHALL BE SUBJECT TO THE REQUIREMENTS OF CONTRACTORS UNDER ARTICLE NINE
31 OF THE LABOR LAW. AN EMPLOYER SHALL PAY BUILDING SERVICE EMPLOYEES PAID
32 NO LESS THAN THE HIGHER OF THE PREVAILING WAGE INCLUDING SUPPLEMENTS
33 PURSUANT TO SECTION TWO HUNDRED THIRTY OF THE LABOR LAW FOR THE RELEVANT
34 BUILDING SERVICE JOB CLASSIFICATION, OR THE MEDIAN HOURLY WAGE FOR "ALL
35 OCCUPATIONS" IN THE METROPOLITAN STATISTICAL AREA CLOSEST TO THE PROJECT
36 LOCATION, PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, FOR
37 THE DURATION OF ANY FINANCIAL ASSISTANCE AND FOR FIVE YEARS AFTER THE
38 TERMS OF THE FINANCIAL ASSISTANCE HAVE EXPIRED.

39 4. WHENEVER FINANCIAL ASSISTANCE IS PROVIDED TO A RECIPIENT BY AN
40 AGENCY FOR A PROJECT, EMPLOYEES WHO PERFORM WORK OTHER THAN WORK
41 PERFORMED UNDER SUBDIVISIONS ONE AND THREE OF THIS SECTION SHALL BE PAID
42 BY THEIR EMPLOYER NO LESS THAN THE MEDIAN HOURLY WAGE FOR "ALL OCCUPA-
43 TIONS" IN THE METROPOLITAN STATISTICAL AREA CLOSEST TO THE PROJECT
44 LOCATION, PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, FOR
45 THE DURATION OF ANY FINANCIAL ASSISTANCE AND FOR FIVE YEARS AFTER THE
46 TERMS OF THE FINANCIAL ASSISTANCE HAVE EXPIRED. ALL OF THE PROVISIONS OF
47 ARTICLE NINE OF THE LABOR LAW SHALL APPLY. EMPLOYERS SHALL BE SUBJECT TO
48 THE REQUIREMENTS OF CONTRACTORS UNDER ARTICLE NINE OF THE LABOR LAW.

49 FOR THE PURPOSES OF THIS SECTION:

50 (A) "BUILDING SERVICE EMPLOYEE" SHALL MEAN AN EMPLOYEE AS DEFINED
51 UNDER SECTION TWO HUNDRED THIRTY OF THE LABOR LAW, WHETHER OR NOT
52 EMPLOYED BY AN EMPLOYER UNDER A CONTRACT OR AGREEMENT WITH A PUBLIC
53 AGENCY;

54 (B) "EMPLOYER" SHALL MEAN AN EMPLOYER AS DEFINED UNDER SECTION SIX
55 HUNDRED FIFTY-ONE OF THE LABOR LAW THAT IS OPERATING ON THE PREMISES OF
56 A PROJECT, WHICH IS RECEIVING FINANCIAL ASSISTANCE FROM THE AGENCY; AND

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1 (C) "EMPLOYEE" SHALL MEAN AN EMPLOYEE AS DEFINED UNDER SECTION SIX
2 HUNDRED FIFTY-ONE OF THE LABOR LAW WHO WORKS FIVE OR MORE HOURS A WEEK
3 FOR AN EMPLOYER, WHETHER OR NOT EMPLOYED BY AN EMPLOYER UNDER A CONTRACT
4 OR AGREEMENT WITH A PUBLIC AGENCY.

5 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR
6 CONFLICTING WITH ANY LAW, OBLIGATION, OR COLLECTIVE BARGAINING AGREEMENT
7 THAT REQUIRES HIGHER WAGES OR BENEFITS, OR INCREASED PROTECTIONS FOR
8 EMPLOYEES.

9 6. THE REQUIREMENTS OF THIS SECTION, EXCEPT THOSE PERTAINING TO BUILD-

10 ING SERVICE WORK, MAY BE WAIVED BY THE WRITTEN TERMS OF A BONA FIDE
11 COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT THIS SECTION IS REFER-
12 ENCED IN SUCH AGREEMENT, AND THAT THE AGREEMENT SETS FORTH IN CLEAR AND
13 UNAMBIGUOUS TERMS THE DESIRE OF ALL PARTIES TO WAIVE SOME OR ALL OF THE
14 REQUIREMENTS OF THIS SECTION. UNILATERAL IMPLEMENTATION OF TERMS AND
15 CONDITIONS OF EMPLOYMENT BY EITHER PARTY TO A COLLECTIVE BARGAINING
16 RELATIONSHIP SHALL NOT CONSTITUTE A WAIVER OF ANY OF THE REQUIREMENTS OF
17 THIS SECTION.

18 7. NO EMPLOYER MAY REDUCE THE WAGES OF EMPLOYEES IN ORDER TO COMPLY
19 WITH THE REQUIREMENTS OF THIS SECTION.

20 8. EACH RECIPIENT SHALL ENSURE THAT ALL TENANTS, SUBTENANTS, CONTRAC-
21 TORS AND SUBCONTRACTORS COMPLY WITH THE REQUIREMENTS UNDER THIS SECTION
22 AND THAT ANY LEASE, SUBLEASE, CONTRACT OR SUBCONTRACT FOR THE PROJECT
23 INCLUDES THESE REQUIREMENTS.

24 9. A COMPLAINT FOR A VIOLATION OF THIS SECTION MAY BE FILED BY AN
25 AFFECTED EMPLOYEE, OR BY AN ORGANIZATION REPRESENTING SUCH EMPLOYEE,
26 PURSUANT TO THE PROCEDURES UNDER ARTICLES EIGHT AND NINE OF THE LABOR
27 LAW.

28 10. THE COMMISSIONER OF LABOR SHALL HAVE THE AUTHORITY TO ENSURE
29 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

30 11. THE COMMISSIONER OF LABOR SHALL PROMPTLY NOTIFY THE AGENCY AFTER A
31 FINAL JUDGMENT DETERMINING THAT THE EMPLOYER HAS VIOLATED THIS SECTION.
32 UPON RECEIPT OF SUCH NOTICE, THE AGENCY SHALL IMMEDIATELY SUSPEND FINAN-
33 CIAL ASSISTANCE TO THE RECIPIENT AND SHALL REVOKE THE FINANCIAL ASSIST-
34 ANCE PREVIOUSLY PROVIDED. THE RECIPIENT SHALL REPAY SUCH ASSISTANCE TO
35 THE AGENCY PURSUANT TO SUBDIVISION FOUR OF SECTION EIGHT HUNDRED FIFTY-
36 NINE-D OF THIS TITLE.

37 12. THE COMMISSIONER OF LABOR, ON BEHALF OF ANY EMPLOYEE PAID LESS
38 THAN THE WAGE TO WHICH HE OR SHE IS ENTITLED UNDER THE PROVISIONS OF
39 THIS ARTICLE, MAY BRING ANY LEGAL ACTION NECESSARY TO COLLECT SUCH
40 CLAIM. THE EMPLOYER SHALL BE REQUIRED TO PAY THE COSTS AND IF SUCH
41 UNDERPAYMENT WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES
42 EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH UNDERPAYMENTS FOUND TO
43 BE DUE HIM OR HER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ACTION
44 TO RECOVER UPON A LIABILITY IMPOSED BY THIS TITLE MUST BE COMMENCED
45 WITHIN SIX YEARS.

46 S 10. The general municipal law is amended by adding a new section
47 859-f to read as follows:

48 S 859-F. DISPLACED WORKER PROTECTION. 1. DEFINITIONS. AS USED IN THIS
49 SECTION:

50 (A) "COVERED ENTITY" SHALL MEAN ANY PERSON THAT OWNS, LEASES,
51 SUBLEASES OR MANAGES PROPERTY WHERE SERVICE WORK IS PERFORMED.

52 (B) "PERSON" SHALL MEAN ANY INDIVIDUAL, PROPRIETORSHIP, PARTNERSHIP,
53 JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY, TRUST, ASSOCI-
54 ATION, OR OTHER ENTITY THAT MAY EMPLOY INDIVIDUALS OR ENTER INTO SERVICE
55 CONTRACTS.

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1 (C) "PROPERTY" SHALL MEAN THE REAL PROPERTY AT THE PROJECT WHERE
2 SERVICE EMPLOYEES WORK.

3 (D) "SERVICE CONTRACT" SHALL MEAN AN AGREEMENT WITH A SERVICE CONTRAC-
4 TOR TO FURNISH SERVICES, INCLUDING ANY SUBCONTRACTS FOR THOSE SERVICES.

5 (E) "SERVICE CONTRACTOR" SHALL MEAN ANY CONTRACTOR THAT ENTERS INTO A
6 SERVICE CONTRACT WITH A COVERED ENTITY.

7 (F) "SERVICE EMPLOYEE" SHALL MEAN ANY PERSON EMPLOYED BY A SERVICE
8 CONTRACTOR WHO HAS BEEN REGULARLY ASSIGNED TO WORK AT THE PROPERTY ON A
9 FULL OR PART-TIME BASIS FOR AT LEAST NINETY DAYS, BUT SHALL NOT INCLUDE
10 A MANAGERIAL, SUPERVISORY, OR CONFIDENTIAL EMPLOYEE.

11 (G) "SERVICE WORK" SHALL MEAN ANY TYPE OF SERVICES PERFORMED AT THE
12 PROPERTY, EXCEPT SERVICES IN CONNECTION WITH ANY CONSTRUCTION, DEMOLI-
13 TION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION,
14 ALTERATION, OR IMPROVEMENT WORK.

15 (H) "SUCCESSOR CONTRACTOR" SHALL MEAN A CONTRACTOR THAT: (I) HAS BEEN
16 AWARDED A SERVICE CONTRACT FOR SERVICES THAT ARE SUBSTANTIALLY SIMILAR

17 TO THOSE PROVIDED UNDER A TERMINATED SERVICE CONTRACT, OR (II) HAS
18 PURCHASED OR ACQUIRED CONTROL OF ANY PART OF THE PROPERTY WHERE SERVICE
19 EMPLOYEES WORK.

20 2. (A) NO LATER THAN FIFTEEN DAYS PRIOR TO TERMINATING A SERVICE
21 CONTRACT, A COVERED ENTITY SHALL PROVIDE A NOTICE OF TERMINATION TO THE
22 SERVICE CONTRACTOR AND REQUEST A LIST CONTAINING THE NAME, ADDRESS, DATE
23 OF HIRE AND JOB CLASSIFICATION OF EACH SERVICE EMPLOYEE EMPLOYED AT THE
24 PROPERTY.

25 (B) NO LATER THAN FIFTEEN DAYS PRIOR TO TRANSFERRING A CONTROLLING
26 INTEREST IN ANY PART OF THE PROPERTY, A COVERED ENTITY SHALL PROVIDE THE
27 SUCCESSOR CONTRACTOR WITH A LIST CONTAINING THE NAME, ADDRESS, DATE OF
28 HIRE AND JOB CLASSIFICATION OF EACH SERVICE EMPLOYEE EMPLOYED AT THE
29 PROPERTY.

30 (C) A COVERED ENTITY SHALL ENSURE THAT A COPY OF THE NOTICE, THE LIST
31 AND THE RIGHTS OF SERVICE EMPLOYEES UNDER THIS SECTION IS CONSPICUOUSLY
32 POSTED AT THE PROPERTY.

33 (D) A SUCCESSOR CONTRACTOR SHALL RETAIN ALL SERVICE EMPLOYEES UNDER
34 THE TERMINATED SERVICE CONTRACT FOR A PERIOD OF NINETY DAYS AFTER THE
35 DATE OF CONTRACT TERMINATION.

36 (E) IF A SUCCESSOR CONTRACTOR DETERMINES THAT FEWER SERVICE EMPLOYEES
37 ARE NEEDED TO PERFORM SERVICE WORK THAN UNDER THE FORMER SERVICE
38 CONTRACT, THE SUCCESSOR CONTRACTOR SHALL RETAIN SUCH EMPLOYEES BY
39 SENIORITY WITHIN EACH JOB CLASSIFICATION; PROVIDED, THAT THE SUCCESSOR
40 CONTRACTOR SHALL MAINTAIN A PREFERENTIAL HIRING LIST OF SERVICE EMPLOY-
41 EES NOT RETAINED WHO SHALL HAVE A RIGHT OF FIRST REFUSAL TO ANY JOBS
42 WITHIN THEIR CLASSIFICATION THAT BECOME AVAILABLE DURING THIS PERIOD.

43 (F) NO SUCCESSOR CONTRACTOR MAY DISCHARGE A SERVICE EMPLOYEE RETAINED
44 UNDER THIS SECTION WITHOUT CAUSE.

45 (G) AT THE END OF THE NINETY-DAY TRANSITION PERIOD, THE SUCCESSOR
46 CONTRACTOR SHALL PERFORM A WRITTEN EVALUATION OF EACH RETAINED SERVICE
47 EMPLOYEE. IF THE EMPLOYEE'S PERFORMANCE DURING THIS PERIOD IS SATISFAC-
48 TORY, THE EMPLOYEE SHALL BE OFFERED CONTINUED EMPLOYMENT BY THE SUCCE-
49 SSOR CONTRACTOR.

50 (H) ANY SERVICE EMPLOYEE WHO HAS NOT BEEN RETAINED OR HAS BEEN
51 DISCHARGED IN VIOLATION OF THIS SECTION, OR AN ORGANIZATION REPRESENTING
52 SUCH EMPLOYEE, MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION
53 FOR INJUNCTIVE RELIEF AND DAMAGES. THE COURT MAY ORDER REINSTATEMENT,
54 BACK PAY WITH WAGES AND BENEFITS, COSTS AND REASONABLE ATTORNEY'S FEES
55 UPON DETERMINING THAT A VIOLATION HAS OCCURRED.

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1 3. THIS SECTION SHALL BE SUBJECT TO THE TERMS OF ANY COLLECTIVE
2 BARGAINING AGREEMENT BETWEEN ANY LABOR ORGANIZATION REPRESENTING SERVICE
3 EMPLOYEES AND ANY SERVICE CONTRACTOR, SUCCESSOR CONTRACTOR OR COVERED
4 ENTITY.

5 S 11. The general municipal law is amended by adding a new section
6 859-g to read as follows:

7 S 859-G. COMPLAINT AND APPEALS. 1. (A) ANY PERSON RESIDING WITHIN THE
8 GEOGRAPHIC BOUNDARIES OF THE AGENCY MAY FILE A COMPLAINT WITH THE AGENCY
9 ALLEGING A VIOLATION OF THIS ARTICLE, EXCEPT AS OTHERWISE PROVIDED UNDER
10 SECTIONS EIGHT HUNDRED FIFTY-NINE-E AND EIGHT HUNDRED FIFTY-NINE-F OF
11 THIS TITLE. THE AGENCY SHALL PREPARE A COMPLAINT FORM THAT SHALL BE
12 POSTED ON ITS WEBSITE AND MADE AVAILABLE AT THE AGENCY'S OFFICE.

13 (B) THE AGENCY SHALL HOLD A HEARING WITHIN FORTY-FIVE DAYS AFTER THE
14 FILING OF A COMPLAINT, AND SHALL SERVE NOTICE OF THE TIME AND PLACE OF
15 THE HEARING UPON THE PARTIES WITHIN FIVE DAYS OF SUCH FILING. THE AGENCY
16 SHALL RENDER ITS DECISION WITH WRITTEN FINDINGS WITHIN TEN DAYS FOLLOW-
17 ING THE HEARING AND SHALL PROMPTLY MAIL A COPY OF THE DECISION TO THE
18 PARTIES. THE AGENCY MAY ORDER ANY RELIEF AUTHORIZED UNDER THIS TITLE
19 UPON DETERMINING A VIOLATION HAS OCCURRED.

20 (C) WITHIN THIRTY DAYS AFTER THE MAILING OF THE AGENCY'S DECISION, AN
21 AGGRIEVED PARTY MAY APPEAL THE DECISION BY FILING A NOTICE OF APPEAL
22 WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DEPARTMENT MAY DECIDE
23 ANY APPEAL BASED ON THE RECORD AT THE HEARING, OR MAY HOLD A NEW HEAR-

24 ING. THE HEARING SHALL BE HELD AT THE DEPARTMENT'S REGIONAL OFFICE
 25 LOCATED CLOSEST TO THE AGENCY WITHIN THIRTY DAYS OF THE FILING OF THE
 26 NOTICE OF APPEAL. THE DEPARTMENT SHALL PROMPTLY SERVE NOTICE OF THE
 27 TIME AND PLACE OF THE HEARING ON THE PARTIES.

28 (D) THE DEPARTMENT SHALL RENDER ITS DECISION IN WRITING WITHIN THIRTY
 29 DAYS AFTER THE FILING OF THE NOTICE OF APPEAL OR AFTER ITS HEARING,
 30 WHICHEVER OCCURS LATER. THE DEPARTMENT MAY AFFIRM, REVERSE OR MODIFY THE
 31 DECISION APPEALED FROM AND MAY ORDER ANY RELIEF AUTHORIZED UNDER THIS
 32 TITLE. THE DECISION OF THE DEPARTMENT SHALL BE FINAL ON ALL QUESTIONS
 33 OF FACT, AND UNLESS APPEALED FROM, SHALL BE FINAL ON ALL QUESTIONS OF
 34 LAW. AN APPEAL FROM A QUESTION OF LAW MAY BE TAKEN TO THE APPELLATE
 35 DIVISION OF THE SUPREME COURT, THIRD DEPARTMENT.

36 (E) THE DEPARTMENT SHALL ESTABLISH RULES FOR THE CONDUCT OF ANY HEAR-
 37 ING OR APPEAL UNDER THIS SECTION, WHICH SHALL NOT BE LIMITED BY COMMON
 38 LAW, OR STATUTORY RULES OF EVIDENCE.

39 2. A PERSON UNDER SUBDIVISION ONE OF THIS SECTION MAY FILE A COMPLAINT
 40 IN A COURT OF COMPETENT JURISDICTION, UNLESS HE OR SHE HAS FILED THE
 41 SAME COMPLAINT WITH THE AGENCY. THE COURT MAY ORDER INJUNCTIVE RELIEF,
 42 DAMAGES AND ANY OTHER RELIEF AUTHORIZED UNDER THIS TITLE FOR A
 43 VIOLATION, ALONG WITH COSTS AND ATTORNEY'S FEES.

44 S 12. The general municipal law is amended by adding a new section
 45 859-h to read as follows:

46 S 859-H. REPORTS BY RECIPIENTS. 1. A RECIPIENT OF FINANCIAL ASSISTANCE
 47 SHALL SUBMIT AN ANNUAL REPORT TO THE AGENCY NO LATER THAN THE ANNIVER-
 48 SARY DATE OF THE FINANCIAL ASSISTANCE AGREEMENT. THE DEPARTMENT OF
 49 ECONOMIC DEVELOPMENT SHALL PREPARE A FORM FOR THE REPORT THAT SHALL BE
 50 POSTED ON THE AGENCY'S WEBSITE. THE REPORT SHALL INCLUDE THE FOLLOWING
 51 INFORMATION:

52 (A) THE TYPE, PURPOSE AND AMOUNT OF FINANCIAL ASSISTANCE PROVIDED BY
 53 THE AGENCY;

54 (B) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS, DATES OF
 55 HIRE, AND WAGES AND BENEFITS REQUIRED UNDER THE AGREEMENT;

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1 (C) THE NUMBER AND TYPES OF NEW FULL-TIME AND PART-TIME JOBS THAT HAVE
 2 BEEN CREATED, THE DATES OF HIRE, AND THE WAGES AND BENEFITS PAID;

3 (D) THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS REQUIRED TO
 4 BE RETAINED, THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS THAT
 5 HAVE BEEN RETAINED;

6 (E) THE AMOUNT, TYPE AND DATES OF CAPITAL INVESTMENT AND OTHER EXPEND-
 7 ITURES BY THE RECIPIENT REQUIRED UNDER THE AGREEMENT;

8 (F) THE AMOUNT, TYPE AND DATES OF CAPITAL INVESTMENT AND OTHER EXPEND-
 9 ITURES MADE BY THE RECIPIENT;

10 (G) THE AMOUNT AND TYPE OF INFRASTRUCTURE AND TRANSPORTATION INVEST-
 11 MENT BY THE RECIPIENT REQUIRED UNDER THE AGREEMENT;

12 (H) THE AMOUNT AND TYPE OF INFRASTRUCTURE AND TRANSPORTATION EXPENDI-
 13 TURES MADE BY THE RECIPIENT;

14 (I) THE AMOUNT AND DATE OF ANY PRIVATE FINANCING REQUIRED, AND THE
 15 AMOUNT AND DATE OF ANY PRIVATE FINANCING RECEIVED BY THE RECIPIENT;

16 (J) THE AMOUNT, TYPE AND DATE OF ANY OTHER OBLIGATIONS OF THE RECIPI-
 17 ENT AND THE RECIPIENT'S COMPLIANCE; AND

18 (K) A CERTIFICATION BY THE RECIPIENT'S CHIEF EXECUTIVE OFFICER THAT
 19 THE REPORT IS ACCURATE AND COMPLETE.

20 2. IF A RECIPIENT FAILS TO FILE THE REPORT REQUIRED BY THIS SECTION
 21 WITHIN THIRTY DAYS OF THE DUE DATE, THE AGENCY SHALL SUSPEND ALL FURTHER
 22 FINANCIAL ASSISTANCE UNTIL THE REPORT IS FILED.

23 3. THE REPORT SHALL BE SUBMITTED IN ELECTRONIC AND PAPER FORM, AND
 24 SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE FOR PUBLIC
 25 INSPECTION.

26 S 13. The general municipal law is amended by adding a new section
 27 859-i to read as follows:

28 S 859-I. GREEN BUILDING STANDARDS. 1. DEFINITIONS. FOR THE PURPOSES OF
 29 THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

30 (A) "CONSTRUCTION" SHALL MEAN ANY WORK NECESSARY OR INCIDENTAL TO THE

31 ERECTION, DEMOLITION, ASSEMBLING, ALTERATION, INSTALLING, OR EQUIPPING
32 OF ANY BUILDING.

33 (B) "GREEN BUILDING STANDARDS" SHALL MEAN DESIGN GUIDELINES, A RATING
34 SYSTEM OR RULES FOR CONSTRUCTING BUILDINGS THAT ENSURE SITE PLANNING,
35 WATER EFFICIENCY, ENERGY EFFICIENCY AND RENEWABLE ENERGY, CONSERVATION
36 OF MATERIALS AND RESOURCES, AND INDOOR ENVIRONMENTAL QUALITY.

37 (C) "INFLATION" SHALL MEAN THE ANNUAL TWELVE-MONTH AVERAGE OF THE
38 CONSUMER PRICE INDEX PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR.

39 (D) "LEED ENERGY AND ATMOSPHERE CREDIT 1" SHALL MEAN THE CREDIT POINT
40 UNDER LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) FOR NEW
41 CONSTRUCTION VERSION 2.1 INTENDED TO ACHIEVE INCREASED ENERGY PERFORM-
42 ANCE.

43 (E) "LEED GREEN BUILDING RATING SYSTEM" SHALL MEAN A VERSION OF THE
44 LEED BUILDING RATING SYSTEM PUBLISHED BY THE UNITED STATES GREEN BUILD-
45 ING COUNCIL, NOT LESS STRINGENT THAN THE SELECTED GREEN BUILDING RATING
46 SYSTEM.

47 (F) "LEED WATER EFFICIENCY CREDIT 3.2" SHALL MEAN THE CREDIT POINT
48 UNDER THE LEED FOR NEW CONSTRUCTION VERSION 2.1 INTENDED TO ACHIEVE
49 WATER USE REDUCTION.

50 (G) "NOT LESS STRINGENT" SHALL MEAN PROVIDING NO LESS NET ENVIRON-
51 MENTAL AND HEALTH BENEFITS.

52 (H) "REHABILITATION" SHALL MEAN ANY RESTORATION, REPLACEMENT OR REPAIR
53 OF ANY MATERIALS, SYSTEMS OR COMPONENTS.

54 (I) "SELECTED GREEN BUILDING RATING SYSTEM" SHALL MEAN THE CURRENT AND
55 MOST APPROPRIATE BUILDING RATING SYSTEM PUBLISHED BY THE UNITED STATES
56 GREEN BUILDING COUNCIL.

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1 (J) "SUBSTANTIAL RECONSTRUCTION" SHALL MEAN A PROJECT IN WHICH THE
2 SCOPE OF WORK INCLUDES REHABILITATION OF AT LEAST TWO OF THE THREE MAJOR
3 SYSTEMS FOR (I) ELECTRICAL, (II) HEATING, VENTILATING AND AIR CONDITION-
4 ING (HVAC) AND (III) PLUMBING OF A BUILDING, WHERE CONSTRUCTION AFFECTS
5 AT LEAST FIFTY PERCENT OF THE BUILDING'S FLOOR AREA.

6 2. (A) EACH PROJECT WITH AN ESTIMATED CONSTRUCTION COST OF TWO MILLION
7 DOLLARS OR MORE INVOLVING (I) THE CONSTRUCTION OF A NEW BUILDING, (II)
8 AN ADDITION TO AN EXISTING BUILDING, OR (III) THE SUBSTANTIAL RECON-
9 STRUCTION OF AN EXISTING BUILDING SHALL BE DESIGNED AND CONSTRUCTED TO
10 COMPLY WITH GREEN BUILDING STANDARDS NOT LESS STRINGENT THAN THE STAND-
11 ARDS FOR BUILDINGS DESIGNED IN ACCORDANCE WITH THE LEED GREEN BUILDING
12 RATING SYSTEM TO ACHIEVE A LEED SILVER OR HIGHER RATING, OR, WITH
13 RESPECT TO BUILDINGS CLASSIFIED IN OCCUPANCY GROUPS G OR H-2, TO ACHIEVE
14 A LEED CERTIFIED OR HIGHER RATING.

15 (B) IF THE ESTIMATED CONSTRUCTION COST OF A PROJECT REQUIRED TO COMPLY
16 WITH GREEN BUILDING STANDARDS IS TWELVE MILLION DOLLARS OR MORE, THE
17 PROJECT SHALL BE DESIGNED AND CONSTRUCTED AS FOLLOWS:

18 (I) PROJECTS INVOLVING BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G SHALL
19 BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY A MINIMUM OF TWENTY
20 PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED ENERGY AND
21 ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION CODE,
22 WHICHEVER IS MORE STRINGENT.

23 (II) PROJECTS, OTHER THAN BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G
24 WITH AN ESTIMATED CONSTRUCTION COST OF TWELVE MILLION DOLLARS OR MORE
25 BUT LESS THAN THIRTY MILLION DOLLARS SHALL BE DESIGNED AND CONSTRUCTED
26 TO REDUCE ENERGY COST BY AT LEAST TWENTY PERCENT, AS DETERMINED BY THE
27 METHODOLOGY PRESCRIBED IN LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW
28 YORK STATE ENERGY CONSERVATION CODE, WHICHEVER IS MORE STRINGENT.

29 (III) PROJECTS, OTHER THAN BUILDINGS CLASSIFIED IN OCCUPANCY GROUP G,
30 WITH AN ESTIMATED CONSTRUCTION COST OF THIRTY MILLION DOLLARS OR MORE
31 SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY AT LEAST
32 TWENTY-FIVE PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED
33 ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION
34 CODE, WHICHEVER IS MORE STRINGENT.

35 3. PROJECTS, OTHER THAN PROJECTS UNDER SUBDIVISION TWO OF THIS
36 SECTION, SHALL BE SUBJECT TO THE FOLLOWING:

37 (A) EACH PROJECT THAT INCLUDES THE INSTALLATION OR REPLACEMENT OF A
38 BOILER WHERE THE ESTIMATED COST FOR SUCH WORK IS TWO MILLION DOLLARS OR
39 MORE, OR THAT INVOLVES THE INSTALLATION OR REPLACEMENT OF LIGHTING
40 SYSTEMS IN A BUILDING AT AN ESTIMATED COST FOR SUCH WORK OF ONE MILLION
41 DOLLARS OR MORE, SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST
42 BY AT LEAST TEN PERCENT, AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN
43 LEED ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSER-
44 VATION CODE, WHICHEVER IS MORE STRINGENT.

45 (B) EACH PROJECT, OTHER THAN A PROJECT UNDER PARAGRAPH (A) OF THIS
46 SUBDIVISION, THAT INVOLVES THE INSTALLATION OR REPLACEMENT OF HVAC
47 COMFORT CONTROLS AT AN ESTIMATED WORK COST OF TWO MILLION DOLLARS OR
48 MORE, SHALL BE DESIGNED AND CONSTRUCTED TO REDUCE ENERGY COST BY A MINI-
49 MUM OF FIVE PERCENT AS DETERMINED BY THE METHODOLOGY PRESCRIBED IN LEED
50 ENERGY AND ATMOSPHERE CREDIT 1 OR THE NEW YORK STATE ENERGY CONSERVATION
51 CODE, WHICHEVER IS MORE STRINGENT.

52 4. ANY PROJECT INVOLVING THE INSTALLATION OR REPLACEMENT OF PLUMBING
53 SYSTEMS THAT INCLUDES PLUMBING FIXTURES WHERE THE ESTIMATED COST FOR
54 SUCH WORK IS FIVE HUNDRED THOUSAND DOLLARS OR MORE SHALL BE DESIGNED AND
55 CONSTRUCTED TO REDUCE POTABLE WATER CONSUMPTION IN THE AGGREGATE BY A
56 MINIMUM OF THIRTY PERCENT, AS DETERMINED BY A METHODOLOGY NOT LESS

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1 STRINGENT THAN THAT PRESCRIBED IN LEED WATER EFFICIENCY CREDIT 3.2;
2 PROVIDED, HOWEVER, THAT SUCH PERCENTAGE SHALL BE REDUCED TO A MINIMUM OF
3 TWENTY PERCENT IF THE LOCAL AGENCY WITH JURISDICTION OVER BUILDINGS IN
4 THE MUNICIPALITY REJECTS AN APPLICATION FOR THE USE OF WATERLESS URINALS
5 FOR THE PROJECT.

6 5. THIS SECTION SHALL APPLY ONLY TO PROJECTS INVOLVING BUILDINGS CLAS-
7 SIFIED IN OCCUPANCY GROUPS B-1, B-2, C, E, F-1A, F-1B, F-3, F-4, G, H-1
8 AND H-2. THE COSTS UNDER SUBDIVISIONS TWO, THREE AND FOUR OF THIS
9 SECTION SHALL BE INDEXED TO INFLATION.

10 6. THIS SECTION SHALL NOT APPLY TO PROJECTS FOR WHICH THE AGENCY
11 ENTERED INTO A FINANCIAL ASSISTANCE AGREEMENT WITH THE RECIPIENT PRIOR
12 TO THE EFFECTIVE DATE OF THIS SECTION.

13 7. RECIPIENTS OF PROJECTS SUBJECT TO PARAGRAPH (A) OF SUBDIVISION TWO
14 OF THIS SECTION THAT UTILIZE A VERSION OF THE LEED GREEN BUILDING RATING
15 SYSTEM FOR WHICH THE UNITED STATES GREEN BUILDING COUNCIL WILL ACCEPT
16 APPLICATIONS FOR CERTIFICATION, SHALL APPLY TO THE UNITED STATES GREEN
17 BUILDING COUNCIL FOR CERTIFICATION THAT SUCH PROJECTS HAVE ACHIEVED A
18 SILVER OR HIGHER RATING UNDER THE LEED GREEN BUILDING RATING SYSTEM OR,
19 WITH RESPECT TO PROJECTS INVOLVING BUILDINGS CLASSIFIED IN OCCUPANCY
20 GROUPS G OR H-2, A CERTIFIED OR HIGHER RATING UNDER SUCH RATING SYSTEM.

21 8. (A) RECIPIENTS SUBJECT TO THIS SECTION SHALL SUBMIT AN ANNUAL
22 REPORT TO THE AGENCY NO LATER THAN THE ANNIVERSARY DATE OF THE FINANCIAL
23 ASSISTANCE AGREEMENT. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL
24 PREPARE A FORM FOR SUCH REPORT THAT SHALL BE POSTED ON THE AGENCY'S
25 WEBSITE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

26 (I) THE NAME, ADDRESS AND DESCRIPTION OF THE PROJECT, INCLUDING ITS
27 SQUARE FOOTAGE AND TOTAL COST;

28 (II) THE LEVEL OF LEED CERTIFICATION THE PROJECT HAS ACHIEVED BASED ON
29 THE LEED RATING SYSTEM OR, IF APPLICABLE, THE LEVEL ACHIEVED, AS CERTI-
30 FIED BY THE UNITED STATES GREEN BUILDING COUNCIL;

31 (III) AN ASSESSMENT OF THE HEALTH, ENVIRONMENTAL AND ENERGY-RELATED
32 BENEFITS ACHIEVED IN COMPARISON WITH A BASE-CASE CODE COMPLIANT PROJECT,
33 INCLUDING PROJECTED ENERGY SAVINGS AND REDUCTIONS IN PEAK LOAD,
34 REDUCTIONS IN EMISSIONS, REDUCTIONS IN STORM WATER RUNOFF AND POTABLE
35 WATER USE; AND

36 (IV) FUNDS SPENT TO COMPLY WITH THE LEED GREEN BUILDING RATING SYSTEM
37 OR ANY OTHER GREEN BUILDING STANDARD.

38 (B) THE REPORT SHALL BE SUBMITTED IN ELECTRONIC AND PAPER FORM, AND
39 SHALL BE POSTED ON THE AGENCY'S WEBSITE AND MADE AVAILABLE BY THE AGENCY
40 FOR PUBLIC INSPECTION.

41 9. (A) EACH AGENCY SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF
42 ECONOMIC DEVELOPMENT AND THE GOVERNING BODY WITHIN NINETY DAYS FOLLOWING

43 THE CLOSE OF ITS FISCAL YEAR. THE REPORT SHALL INCLUDE THE FOLLOWING
44 INFORMATION:

45 (I) A LIST AND BRIEF DESCRIPTION, INCLUDING SQUARE FOOTAGE AND TOTAL
46 COST, OF ALL PROJECTS SUBJECT TO THIS SECTION COMPLETED DURING THE
47 PRECEDING FISCAL YEAR;

48 (II) THE ESTIMATED LEVEL OF LEED CERTIFICATION SUCH PROJECTS HAVE
49 ACHIEVED BASED UPON THE LEED RATING SYSTEM OR, IF APPLICABLE, THE LEVEL
50 ACHIEVED, AS CERTIFIED BY THE UNITED STATES GREEN BUILDING COUNCIL; AND

51 (III) AN ASSESSMENT OF THE HEALTH, ENVIRONMENTAL AND ENERGY-RELATED
52 BENEFITS ACHIEVED, INCLUDING PROJECTED ENERGY SAVINGS AND REDUCTIONS IN
53 PEAK LOAD, REDUCTIONS IN EMISSIONS, REDUCTIONS IN STORM WATER RUNOFF AND
54 POTABLE WATER USE.

55 (B) THE AGENCY'S REPORT SHALL BE POSTED ON ITS WEBSITE AND MADE AVAIL-
56 ABLE FOR PUBLIC INSPECTION.

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1 10. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PROVIDE CONSUL-
2 TATION AND OTHER ASSISTANCE AS NEEDED BY THE AGENCY TO CARRY OUT ITS
3 RESPONSIBILITIES UNDER THIS SECTION.

4 S 14. Section 862 of the general municipal law, as added by chapter
5 1030 of the laws of 1969, is amended to read as follows:

6 S 862. Restrictions on funds of the agency. 1. No {funds} FINANCIAL
7 ASSISTANCE of the agency shall be used in respect of any project if the
8 completion thereof would result in the removal of {an industrial or
9 manufacturing} ALL OR ANY PART OF A FACILITY OR plant of the project
10 occupant from one area of the state to another area of the state or in
11 the abandonment of ALL OR ANY PART OF one or more plants or facilities
12 of the project occupant located within the state, provided, however,
13 that neither restriction shall apply if the agency shall determine on
14 the basis of the application before it that the project is reasonably
15 necessary to discourage the project occupant from removing such other
16 plant or facility to a location outside the state or is reasonably
17 necessary to preserve the competitive position of the project occupant
18 in its respective industry, AND THE PRIOR CONSENT OF THE GOVERNING BODY
19 OR BODIES OF ALL THE MUNICIPALITIES FROM WHICH ALL OR ANY PART OF A
20 FACILITY OR PLANT OF THE PROJECT OCCUPANT WILL BE REMOVED OR ABANDONED
21 IS PROVIDED IN WRITING. UPON A COMPLAINT BY A MUNICIPALITY THAT FINAN-
22 CIAL ASSISTANCE OF AN AGENCY HAS RESULTED IN THE ABANDONMENT OR REMOVAL
23 BY A PROJECT OCCUPANT OF ALL OR ANY PART OF ONE OR MORE PLANTS OR FACIL-
24 ITIES IN SUCH MUNICIPALITY, THE COMPTROLLER OR HIS OR HER DESIGNEE SHALL
25 INVESTIGATE SUCH ALLEGATION. IF HE OR SHE DETERMINES THAT THE COMPLAINT
26 IS VALID, THE AGENCY THAT PROVIDED THE FINANCIAL ASSISTANCE SHALL PAY TO
27 THE MUNICIPALITY AN AMOUNT EQUAL TO THE PORTION OF TAX OR TAXES THAT THE
28 PROJECT OCCUPANT SAVED OR AVOIDED DUE TO ITS RELOCATION AND THE AGENCY
29 IS SUSPENDED FROM NEGOTIATING ANY DEVELOPMENT ASSISTANCE AGREEMENTS FOR
30 SIX MONTHS.

31 2. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED TO ASSIST IN
32 THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY OR OPERATION FROM
33 ONE MUNICIPALITY IN THE STATE TO ANOTHER MUNICIPALITY IN THE STATE IF
34 THE RELOCATION IS LIKELY TO RESULT IN A LOSS OF EMPLOYMENT IN THE LABOR
35 MARKET AREA FROM WHICH THE RELOCATION OCCURS.

36 3. NO FINANCIAL ASSISTANCE SHALL BE PROVIDED TO A PROJECT APPLICANT
37 FOUND TO HAVE COMMITTED A SUBSTANTIAL VIOLATION OF ANY STATE OR LOCAL
38 LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL PROTECTION, TAXATION,
39 FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR MINORITY OR WOMEN-OWNED
40 BUSINESSES BY FINAL JUDGMENT OF A COURT OR ADMINISTRATIVE TRIBUNAL WITH-
41 IN THREE YEARS PRECEDING AN APPLICATION FOR A PROJECT.

42 4. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED TO ASSIST IN
43 THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY OR OPERATION FROM
44 ONE LOCATION IN THE STATE WITH EXISTING INFRASTRUCTURE TO ANOTHER
45 LOCATION IN THE STATE WITH NO EXISTING INFRASTRUCTURE.

46 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN
47 AGENCY SHALL NOT UNDERTAKE ANY PROJECT THAT EXCEEDS ONE HUNDRED MILLION
48 DOLLARS IN VALUE WITHOUT THE APPROVAL OF THE NEW YORK STATE PUBLIC

49 AUTHORITIES CONTROL BOARD CREATED PURSUANT TO ARTICLE ONE-A OF THE
50 PUBLIC AUTHORITIES LAW. EACH APPLICATION TO THE PUBLIC AUTHORITIES
51 CONTROL BOARD SHALL CONTAIN A PROJECT DESCRIPTION, AN EXPLANATION OF WHY
52 THE PROJECT MEETS THE STANDARDS FOR PROJECT APPROVAL, AND ANY ADDITIONAL
53 INFORMATION THAT THE PUBLIC AUTHORITIES CONTROL BOARD DEEMS NECESSARY.

54 6. NO FINANCIAL ASSISTANCE OF THE AGENCY SHALL BE USED IN SUPPORT OF A
55 PROJECT IN AN AREA OR AREAS: NOT SERVED BY PUBLIC SEWER AND WATER
56 INFRASTRUCTURE; OR DESIGNATED AS LANDS SUITABLE FOR CONSERVATION IN A

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1 COMPREHENSIVE LAND USE PLAN; OR WHERE THE EXISTING ZONING CLASSIFICA-
2 TIONS ARE INCONSISTENT WITH THE PROPOSED PROJECT; OR RECEIVING A MINIMUM
3 SCORE, ABOVE THE CUTOFF, IN AN ANALYSIS OF THE NATURAL RESOURCE VALUES
4 OF THE LAND, USING THE APPROPRIATE RATING SYSTEM AS DEFINED IN THE STATE
5 LAND ACQUISITION PLAN, PURSUANT TO SECTION 49-0207 OF THE ENVIRONMENTAL
6 CONSERVATION LAW AND APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF
7 ENVIRONMENTAL CONSERVATION. FURTHER, NO FINANCIAL ASSISTANCE SHALL BE
8 USED IN SUPPORT OF A PROJECT UNLESS THE PROJECT IS LOCATED ON A BROWN-
9 FIELD SITE AS DEFINED IN SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVA-
10 TION LAW; PROVIDED, HOWEVER, THAT IF THE AGENCY DEMONSTRATES THAT THERE
11 IS NO VIABLE ALTERNATIVE AREA OR AREAS FOR SUCH PROJECT, FINANCIAL
12 ASSISTANCE MAY BE PROVIDED.

13 S 15. Subdivision 4 of section 874 of the general municipal law, as
14 amended by chapter 357 of the laws of 1993, paragraphs (b) and (c) as
15 amended by chapter 444 of the laws of 1997, is amended to read as
16 follows:

17 (4) (a) The agency shall establish a uniform {tax exemption} PAYMENT
18 IN LIEU OF TAX (PILOT) AGREEMENT policy, with input from affected tax
19 jurisdictions, which shall be applicable to the provision of financial
20 assistance pursuant to section eight hundred fifty-nine-a of this {chap-
21 ter} TITLE and shall provide guidelines for the claiming of real proper-
22 ty, mortgage recording, and sales tax exemptions. Such guidelines shall
23 include, but not be limited to: period of exemption; PAYMENTS IN LIEU OF
24 TAXES, AS A percentage of {exemption} TAXES THAT WOULD HAVE BEEN LEVIED
25 BY OR ON BEHALF OF AFFECTED TAX JURISDICTIONS IF THE PROJECT WAS NOT TAX
26 EXEMPT BY REASON OF AGENCY INVOLVEMENT; types of projects for which
27 exemptions can be claimed; procedures for payments in lieu of taxes and
28 instances in which real property appraisals are to be performed as a
29 part of an application for tax exemption; in addition, agencies shall in
30 adopting such policy consider such issues as: the extent to which a
31 project will create or retain permanent, private sector jobs; THE WAGES
32 AND BENEFITS TO BE PAID; the estimated value of any tax exemptions to be
33 provided; whether affected tax jurisdictions shall be reimbursed by the
34 project occupant if a project does not fulfill the purposes for which an
35 exemption was provided; the impact of a proposed project on existing and
36 proposed businesses and economic development projects in the vicinity;
37 the amount of private sector investment generated or likely to be gener-
38 ated by the proposed project; the demonstrated public support for the
39 proposed project; the likelihood of accomplishing the proposed project
40 in a timely fashion; the effect of the proposed project upon the envi-
41 ronment; the extent to which the proposed project will require the
42 provision of additional services, including, but not limited to addi-
43 tional educational, transportation, police, emergency medical or fire
44 services; and the extent to which the proposed project will provide
45 additional sources of revenue for municipalities and school districts.

46 (b) The uniform {tax exemption} PAYMENT IN LIEU OF TAX (PILOT) AGREE-
47 MENT policy established pursuant to this section shall be reviewed and
48 readopted by the agency on or before April first, {nineteen hundred
49 ninety-nine} TWO THOUSAND SEVEN AND EACH YEAR THEREAFTER following a
50 public hearing. Notice of this hearing shall be given to the chief exec-
51 utive officer AND THE MEMBERS OF THE GOVERNING BODY of each affected tax
52 {jurisdictions} JURISDICTION at least sixty days before the hearing.
53 Prior to the hearing the agency shall review, and respond to any corre-
54 spondence received from any affected tax jurisdiction. The agency shall

55 allow any representative of an affected tax jurisdiction to address the
56 agency at the hearing. The agency shall develop and submit a report to

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1 the affected tax jurisdictions sixty days prior to the hearing which
2 details the projects which the agency has assisted in the previous five
3 years and shall include information specific to each project including
4 the period of exemption; the type of project; the estimated percentage
5 of exemption by year; the estimated value of any other assistance
6 provided by the agency; whether commitments for payments in lieu of
7 taxes were made and met, the estimated value of such payments by year
8 and affected tax jurisdiction; the estimated amount of private sector
9 investment generated by the project; {and} the extent to which the
10 project created or retained permanent, private sector jobs; AND THE
11 WAGES AND BENEFITS PAID. THE ADOPTED UNIFORM PAYMENT IN LIEU OF TAX
12 (PILOT) POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER AND THE
13 MEMBERS OF THE GOVERNING BODY OF EACH AFFECTED TAX JURISDICTION AND
14 SHALL BE MADE AVAILABLE TO PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND
15 ON THE AGENCY'S WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

16 (c) The agency shall establish a procedure for deviation from the
17 uniform {tax exemption} PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy
18 required pursuant to this subdivision. The agency shall set forth in
19 writing the reasons for deviation from such policy, and shall further
20 notify the affected local taxing jurisdictions of the proposed deviation
21 from such policy and the reasons therefor AND OBTAIN THE WRITTEN
22 APPROVAL OF EACH AFFECTED TAX JURISDICTION.

23 Such notice to the affected tax jurisdictions shall be given to the
24 chief executive officer AND THE MEMBERS OF THE GOVERNING BODY of each
25 affected tax jurisdiction at least thirty days prior to the meeting of
26 the agency at which the agency shall consider whether to approve such
27 proposed deviation. Prior to taking final action at said meeting, the
28 agency shall review and respond to any correspondence received from any
29 affected tax jurisdiction regarding such proposed deviation. The agency
30 shall allow any representative of an affected tax jurisdiction present
31 at such meeting to address the agency regarding such proposed deviation.
32 THE ADOPTED DEVIATION TO THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT)
33 POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX
34 JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S
35 OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

36 S 16. Section 882 of the general municipal law, as added by chapter
37 1030 of the laws of 1969, is amended to read as follows:

38 S 882. Termination of the agency. WHENEVER ONE HUNDRED THOUSAND
39 DOLLARS OR LESS OF AGENCY BONDS OR NOTES ARE OUTSTANDING, THE AGENCY
40 SHALL ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR
41 NOTES. Whenever all of the bonds or notes issued by the agency shall
42 have been redeemed or cancelled, the agency shall cease to exist and all
43 rights, titles, and interest and all obligations and liabilities thereof
44 vested in or possessed by the agency shall thereupon vest in and be
45 possessed by the municipality.

46 S 17. Section 886 of the general municipal law is renumbered section
47 887 and a new section 886 is added to read as follows:

48 S 886. DISSOLUTION AND MERGER OF AGENCIES. 1. ANY INDUSTRIAL DEVELOP-
49 MENT AGENCY ESTABLISHED FOR THE BENEFIT OF A TOWN, VILLAGE OR CITY WITH-
50 IN A COUNTY MAY DISSOLVE AND SIMULTANEOUSLY MERGE WITH THE INDUSTRIAL
51 DEVELOPMENT AGENCY ESTABLISHED FOR THE BENEFIT OF THE COUNTY IN WHICH
52 THE AGENCY ESTABLISHED FOR THE BENEFIT OF THE TOWN, VILLAGE OR CITY IS
53 LOCATED, IF SUCH COUNTY AGENCY HAS BEEN ESTABLISHED, SUBJECT TO THE
54 PROVISIONS OF THIS SECTION. UPON THE EFFECTIVE DATE OF THE DISSOLUTION
55 AND MERGER, THE TOWN, VILLAGE OR CITY AGENCY, NOTWITHSTANDING THE
56 PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED

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1 FIFTY-SIX AND SECTION EIGHT HUNDRED EIGHTY-TWO OF THIS TITLE, SHALL

2 CEASE TO EXIST AND ALL THE RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND
3 LIABILITIES OF SUCH AGENCIES, INCLUDING BUT NOT LIMITED TO THE RIGHTS
4 AND OBLIGATIONS UNDER ANY BOND, NOTE, CONTRACT OR OTHER AGREEMENT,
5 EXPRESS OR IMPLIED, SHALL DEVOLVE TO, BE VESTED IN AND POSSESSED BY THE
6 COUNTY AGENCY, WHICH SHALL IN ALL RESPECTS AND FOR ALL PURPOSES BE THE
7 SUCCESSOR IN INTEREST TO SUCH TOWN, VILLAGE OR CITY AGENCY.

8 2. THE GOVERNING BODY OF THE TOWN, VILLAGE OR CITY FOR WHOSE BENEFIT
9 THE AGENCY THAT IS PROPOSING TO DISSOLVE AND MERGE IS ESTABLISHED, IN
10 CONSULTATION WITH (A) THE MEMBERS OF THE AGENCY, (B) MEMBERS OF THE
11 AGENCY ESTABLISHED FOR THE BENEFIT OF THE COUNTY, AND (C) THE CHIEF
12 EXECUTIVE OF THE COUNTY, SHALL ADOPT A PLAN SETTING FORTH, AT A MINIMUM:

13 (I) THE NAME AND DATE OF ESTABLISHMENT OF THE AGENCY OR AGENCIES TO BE
14 DISSOLVED;

15 (II) THE NAMES OF THE MEMBERS OF SUCH AGENCY, SPECIFYING THE IDENTITY
16 OF THE CHAIRPERSON;

17 (III) THE UNDERLYING PURPOSE OF THE DISSOLUTION AND MERGER, INCLUDING
18 ECONOMIES AND EFFICIENCIES THAT ARE PROJECTED AS A RESULT THEREOF;

19 (IV) A STATEMENT, CONTAINING BOTH CURRENT INFORMATION AND INFORMATION
20 PROJECTED TO THE PROPOSED DATE OF THE DISSOLUTION AND MERGER, OF (1) THE
21 OUTSTANDING BONDS, NOTES AND ANY OTHER OBLIGATIONS OR LIABILITIES, (2)
22 ACTUAL AND ACCRUED REVENUES, (3) EACH PROJECT FOR WHICH FINANCIAL
23 ASSISTANCE HAS BEEN PROVIDED, THE TYPE OF FINANCIAL ASSISTANCE PROVIDED
24 AND THE STATUS OF THE PROJECT, AND (4) THE GENERAL TERMS AND CONDITIONS
25 OF EACH CONTRACT, INCLUDING PAYMENT IN LIEU OF TAX AGREEMENTS;

26 (V) THE TERMS AND CONDITIONS OF THE PROPOSED DISSOLUTION AND MERGER
27 INCLUDING A STATEMENT ACKNOWLEDGING THAT THE COUNTY AGENCY SHALL, UPON
28 THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, SUCCEED TO ALL THE
29 RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES, INCLUDING BONDS,
30 NOTES AND OTHER OBLIGATIONS AND CONTRACTUAL RIGHTS AND OBLIGATIONS, OF
31 THE DISSOLVED AND MERGED TOWN, VILLAGE OR CITY AGENCIES;

32 (VI) A STATEMENT OF ANY AMENDMENTS OR CHANGES TO THE CERTIFICATE OF
33 THE COUNTY AGENCY FILED IN THE OFFICE OF THE SECRETARY OF STATE NECESSI-
34 TATED BY THE MERGER; AND

35 (VII) A STATEMENT THAT THE PLAN OF MERGER HAS BEEN REVIEWED AND
36 APPROVED BY COUNSEL FOR THE TOWN, VILLAGE OR CITY AGENCY AND COUNSEL FOR
37 THE COUNTY AGENCY, INDICATING THAT EACH COUNSEL HAS CONSIDERED THE
38 IMPACT, IF ANY, OF THE DISSOLUTION AND MERGER ON: (1) THE RIGHTS OF ANY
39 EMPLOYEES OF THE MERGING AGENCIES; AND (2) THE RECIPIENTS OF FINANCIAL
40 ASSISTANCE FROM THE AGENCIES.

41 3. NO LATER THAN JULY FIRST, TWO THOUSAND SEVEN, THE COMMISSIONER OF
42 THE DEPARTMENT OF ECONOMIC DEVELOPMENT SHALL UNDERTAKE A STUDY TO IDEN-
43 TIFY THOSE TOWN, VILLAGE OR CITY AGENCIES THAT, AS DETERMINED BY THE
44 COMMISSIONER, HAVE NOT UNDERTAKEN SIGNIFICANT ACTIVITY WITHIN THE PRIOR
45 FIVE YEARS AND, IF DEEMED APPROPRIATE BY THE COMMISSIONER, THE COMMIS-
46 SIONER SHALL RECOMMEND THAT THOSE AGENCIES BE DISSOLVED AND MERGED INTO
47 THE COUNTY AGENCY. THE COMMISSIONER'S FINDINGS SHALL BE REPORTED NO
48 LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHT, TO THE SPEAKER OF
49 THE ASSEMBLY, THE MAJORITY LEADER OF THE SENATE, THE STATE COMPTROLLER,
50 THE GOVERNOR AND TO EACH AGENCY IDENTIFIED IN THE REPORT.

51 S 18. The general municipal law is amended by adding a new section 889
52 to read as follows:

53 S 889. ADDITIONAL POWERS. NOTHING IN THIS TITLE SHALL LIMIT A GOVERN-
54 ING BODY FROM ENACTING LAWS OR OTHERWISE EXERCISING ITS AUTHORITY RELAT-
55 ING TO A PROJECT OR ANY OTHER PROVISION OF THIS ARTICLE TO ADD REQUIRE-

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1 MENTS THAT ARE NOT LESS THAN THE WAGE, REPORTING, DEFAULT OR OTHER
2 REQUIREMENTS OF THIS TITLE.

3 S 19. The general municipal law is amended by adding a new section
4 889-a to read as follows:

5 S 889-A. BROWNFIELD REDEVELOPMENT INCENTIVE. APPLICANTS SEEKING
6 APPROVAL FOR PROJECTS LOCATED ON A BROWNFIELD SHALL BE ELIGIBLE FOR
7 EXISTING LOW COST POWER ALLOCATION AVAILABLE FROM THE POWER AUTHORITY OF
8 THE STATE OF NEW YORK. IN ADDITION, SUCH PROJECTS WILL NOT BE SUBJECT TO

9 THE BOND ISSUANCE CHARGE LEVIED PURSUANT TO SECTION TWENTY-NINE HUNDRED
10 SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW.

11 THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO REAL PROPERTY
12 SUBJECT TO THE BROWNFIELD SITE CLEAN-UP AGREEMENT ENTERED INTO BY A
13 VOLUNTEER PURSUANT TO SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION
14 LAW. FAILURE OF ANY REAL PROPERTY TO RECEIVE A CERTIFICATE OF
15 COMPLETION PURSUANT TO SECTION 27-1419 OF SUCH LAW SHALL BE GROUNDS FOR
16 REVOCATION OF THE BENEFITS PROVIDED BY THIS SECTION.

17 S 20. Sections twenty-one through twenty-five of this act shall be
18 called the Erie County agency pilot program. Whereas Erie County
19 contains six industrial development agencies that have demonstrated a
20 recognition of the disadvantages of intermunicipal competition and the
21 need for a regional approach to economic planning, the legislature here-
22 by designates Erie County as the pilot county for the sub-county agency
23 consolidation program.

24 S 21. The first undesignated paragraph of section 898-a of the general
25 municipal law is designated subdivision 1 and a new subdivision 2 is
26 added to read as follows:

27 2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITH-
28 STANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL
29 ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT
30 THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY
31 PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

32 S 22. The first undesignated paragraph of section 901-a of the general
33 municipal law is designated subdivision 1 and a new subdivision 2 is
34 added to read as follows:

35 2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITH-
36 STANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL
37 ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES.
38 AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY
39 PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

40 S 23. The first undesignated paragraph of section 914-a of the general
41 municipal law, as added by chapter 579 of the laws of 1973, is desig-
42 nated subdivision 1 and a new subdivision 2 is added to read as follows:

43 2. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITH-
44 STANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL
45 ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES.
46 AT THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY
47 PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

48 S 24. Section 925-t of the general municipal law is amended by adding
49 a new subdivision 3 to read as follows:

50 3. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITH-
51 STANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL
52 ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT
53 THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY
54 PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

55 S 25. Section 925-v of the general municipal law is amended by adding
56 a new subdivision 3 to read as follows:

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1 3. AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE AGENCY, NOTWITH-
2 STANDING THE POWERS CONFERRED IN SUBDIVISION ONE OF THIS SECTION, SHALL
3 ONLY EXIST TO PAY THE DEBT SERVICE ON ANY OUTSTANDING BONDS OR NOTES. AT
4 THE TIME THE DEBT SERVICE ON THE OUTSTANDING BONDS AND NOTES IS FULLY
5 PAID, THE AGENCY SHALL BE DEEMED TERMINATED.

6 S 26. Section 100 of the economic development law is amended by adding
7 a new subdivision 25-a to read as follows:

8 25-A. TO DETERMINE APPEALS FROM THE DECISIONS OF INDUSTRIAL DEVELOP-
9 MENT AGENCIES AND TO CARRY OUT SUCH OTHER DUTIES AS REQUIRED UNDER ARTI-
10 CLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW.

11 S 27. The opening paragraph of paragraph 3 of subdivision (h) of
12 section 183 of the economic development law, as added by chapter 313 of
13 the laws of 2005, is amended to read as follows:

14 Each application for an energy cost savings benefit shall be evaluated

15 under criteria adopted by the board in consultation with the power
16 authority of the state of New York, which criteria shall be designed to
17 promote economic development, maintain and develop jobs, {and} encourage
18 new capital investment, AND PROMOTE BROWNFIELD CLEAN-UP AND REDEVELOP-
19 MENT throughout the state of New York. Such criteria shall address but
20 need not be limited to:

21 S 28. Subdivision 2 of section 220 of the labor law, as amended by
22 chapter 851 of the laws of 1947, is amended to read as follows:

23 2. Each contract, LEASE, GRANT, BOND, COVENANT, DEBT AGREEMENT OR
24 PERMIT to which the state or a public benefit corporation or a municipal
25 corporation or a commission appointed pursuant to law is a party,
26 INCLUDING ALL PROJECTS INVOLVING THE CONSTRUCTION, DEMOLITION, RECON-
27 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION OR ALTERATION
28 OF A BUILDING, CHARTER SCHOOL OR IMPROVEMENT TO PROPERTY FINANCED, IN
29 WHOLE OR IN PART, THROUGH AN INDUSTRIAL DEVELOPMENT AGENCY, and which
30 may involve the employment of laborers, workmen or mechanics shall
31 contain a stipulation that no laborer, workman or mechanic in the employ
32 of the contractor, sub-contractor or other person doing or contracting
33 to do the whole or a part of the work contemplated by the contract shall
34 be permitted or required to work more than eight hours in any one calen-
35 dar day or more than five days in any one week except in cases of
36 extraordinary emergency including fire, flood or danger to life or prop-
37 erty. No such person shall be so employed more than eight hours in any
38 day or more than five days in any one week except in such emergency.
39 Extraordinary emergency within the meaning of this section shall be
40 deemed to include situations in which sufficient laborers, workmen and
41 mechanics cannot be employed to carry on public work expeditiously as a
42 result of such restrictions upon the number of hours and days of labor
43 and the immediate commencement or prosecution or completion without
44 undue delay of the public work is necessary in the judgment of the
45 {industrial} commissioner for the preservation of the contract site and
46 for the protection of the life and limb of the persons using the same.
47 Upon the application of any person interested, the {industrial} commis-
48 sioner shall make a determination as to whether or not on any public
49 project or on all public projects in any area of this state, sufficient
50 laborers, workmen and mechanics of any or all classifications can be
51 employed to carry on work expeditiously if their labor is restricted to
52 eight hours per day and five days per week, and in the event that the
53 {industrial} commissioner determines that there are not sufficient work-
54 men, laborers and mechanics of any or all classifications which may be
55 employed to carry on such work expeditiously if their labor is
56 restricted to eight hours per day and five days per week, and the imme-

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1 diate commencement or prosecution or completion without undue delay of
2 the public work is necessary in the judgment of the {industrial} commis-
3 sioner for the preservation of the contract site and for the protection
4 of the life and limb of the persons using the same, the {industrial}
5 commissioner shall grant a dispensation permitting all laborers, workmen
6 and mechanics, or any classification of such laborers, workmen and
7 mechanics, to work such additional hours or days per week on such public
8 project or in such areas the {industrial} commissioner shall determine.
9 Whenever such a dispensation is granted, all work in excess of eight
10 hours per day and five days per week shall be considered overtime work,
11 and the laborers, workmen and mechanics performing such work shall be
12 paid a premium wage commensurate with the premium wages prevailing in
13 the area in which the work is performed. No such dispensation shall be
14 effective with respect to any public work unless and until the depart-
15 ment of jurisdiction, as defined in this section, certifies to the
16 {industrial} commissioner that such public work is of an important
17 nature and that a delay in carrying it to completion would result in
18 serious disadvantage to the public. Time lost in any week because of
19 inclement weather by employees engaged in the construction, recon-
20 struction and maintenance of highways outside of the limits of cities

21 and villages may be made up during that week and/or the succeeding three
22 weeks.

23 S 29. Section 1963-a of the public authorities law, as amended by
24 chapter 357 of the laws of 1993, is amended to read as follows:

25 S 1963-a. Uniform tax exemption policy. 1. The authority shall estab-
26 lish a uniform tax exemption policy, with input from affected local
27 taxing jurisdictions, which shall be applicable to provisions of finan-
28 cial assistance pursuant to section nineteen hundred fifty-three-a of
29 this {chapter} TITLE and shall provide guidelines for the claiming of
30 real property, mortgage recording, and sales tax exemptions. Such guide-
31 lines shall include, but not be limited to: period of exemption;
32 PAYMENTS IN LIEU OF TAXES, AS A percentage of {exemption} TAXES THAT
33 WOULD HAVE BEEN LEVIED BY OR ON BEHALF OF AFFECTED TAX JURISDICTIONS IF
34 THE PROJECT WAS NOT TAX EXEMPT BY REASON OF AGENCY INVOLVEMENT; types of
35 projects for which exemptions can be claimed; procedures for payments in
36 lieu of taxes and instances in which real property appraisals are to be
37 performed as a part of an application for tax exemption; in addition,
38 the authority in adopting such policy shall consider such issues as: the
39 extent to which a project will create or retain permanent, private
40 sector jobs; THE WAGES AND BENEFITS TO BE PAID; the estimated value of
41 any tax exemption to be provided; whether affected tax jurisdictions
42 should be reimbursed by the project occupant if a project does not
43 fulfill the purposes for which an exemption was provided; the impact of
44 a proposed project on existing and proposed businesses and economic
45 development projects in the vicinity; the amount of private sector
46 investment generated or likely to be generated by the proposed project;
47 the demonstrated public support for the proposed project; the likelihood
48 of accomplishing the proposed project in a timely fashion; the effect of
49 the proposed project upon the environment; the extent to which the
50 proposed project will require the provision of additional services,
51 including, but not limited to additional educational, transportation,
52 police, emergency medical or fire services; and the extent to which the
53 proposed project will provide additional sources or revenue for munici-
54 palities and school districts. THE ADOPTED UNIFORM PAYMENT IN LIEU OF
55 TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFI-
56 CER OF EACH AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC

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1 INSPECTION AT THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOW-
2 ING ITS ADOPTION.

3 2. The authority shall establish a procedure for deviation from the
4 uniform tax exemption policy required pursuant to this section. The
5 authority shall set forth in writing the reasons for deviation from such
6 policy, and shall further notify the affected tax jurisdictions of the
7 proposed deviation from such policy and the reasons therefor. THE
8 ADOPTED DEVIATION TO THE UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREE-
9 MENT POLICY SHALL BE SENT TO THE CHIEF EXECUTIVE OFFICER OF EACH
10 AFFECTED TAX JURISDICTION AND BE MADE AVAILABLE FOR PUBLIC INSPECTION AT
11 THE AGENCY'S OFFICE AND ON ITS WEBSITE IMMEDIATELY FOLLOWING ITS
12 ADOPTION.

13 S 30. Section 2315 of the public authorities law, as amended by chap-
14 ter 357 of the laws of 1993, is amended to read as follows:

15 S 2315. Uniform {tax exemption} PAYMENT IN LIEU OF TAX (PILOT) AGREE-
16 MENT policy. 1. The authority shall establish a uniform {tax exemption}
17 PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy, with input from
18 affected local taxing jurisdictions, which shall be applicable to
19 provisions of financial assistance pursuant to section twenty-three
20 hundred seven of this {chapter} TITLE and shall provide guidelines for
21 the claiming of real property, mortgage recording, and sales tax
22 exemptions. Such guidelines shall include, but not be limited to: period
23 of exemption; PAYMENTS IN LIEU OF TAXES, AS A percentage of {exemption}
24 TAXES THAT WOULD HAVE BEEN LEVIED BY OR ON BEHALF OF AFFECTED TAX JURIS-
25 DICTIONS IF THE PROJECT WAS NOT TAX EXEMPT BY REASON OF AGENCY INVOLVE-
26 MENT; types of projects for which exemptions may be claimed; procedures

27 for payments in lieu of taxes and instances in which real property
28 appraisals are to be performed as a part of an application for tax
29 exemption; in addition, the authority in adopting such policy shall
30 consider such issues as: the extent to which a project will create or
31 retain permanent, private sector jobs; THE WAGES AND BENEFITS TO BE
32 PAID; the estimated value of any tax exemption to be provided; whether
33 affected tax jurisdictions should be reimbursed by the project occupant
34 if a project does not fulfill the purposes for which an exemption was
35 provided; the impact of a proposed project on existing and proposed
36 businesses and economic development projects in the vicinity; the amount
37 of private sector investment generated or likely to be generated by the
38 proposed project; the demonstrated public support for the proposed
39 project; the likelihood of accomplishing the proposed project in a time-
40 ly fashion; the effect of the proposed project upon the environment; the
41 extent to which the proposed project will require the provision of addi-
42 tional services, including, but not limited to additional educational,
43 transportation, police, emergency medical or fire services; and the
44 {extend} EXTENT to which the proposed project will provide additional
45 sources of revenue for municipalities and school districts. THE ADOPTED
46 UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO
47 THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE
48 MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS
49 WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

50 2. The authority shall establish a procedure for deviation from the
51 uniform {tax exemption} PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT policy
52 required pursuant to this section. The authority shall set forth in
53 writing the reasons for deviation from such policy, and shall further
54 notify the affected local taxing jurisdictions of the proposed deviation
55 from such policy and the reasons therefor. THE ADOPTED DEVIATION TO THE
56 UNIFORM PAYMENT IN LIEU OF TAX (PILOT) AGREEMENT POLICY SHALL BE SENT TO

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1 THE CHIEF EXECUTIVE OFFICER OF EACH AFFECTED TAX JURISDICTION AND BE
2 MADE AVAILABLE FOR PUBLIC INSPECTION AT THE AGENCY'S OFFICE AND ON ITS
3 WEBSITE IMMEDIATELY FOLLOWING ITS ADOPTION.

4 S 31. Federal preemption and severability. The provisions of each
5 section of this act shall be deemed severable, and the declaration by a
6 court of competent jurisdiction that any part thereof is preempted or
7 otherwise invalid shall not affect the remaining parts thereof.

8 S 32. Subdivision 3 of section 8 of chapter 444 of the laws of 1997
9 amending the general municipal law and the public authorities law relat-
10 ing to industrial development agencies and industrial development
11 authorities, as amended by chapter 142 of the laws of 2006, is amended
12 to read as follows:

13 3. {sections one through three} SECTION TWO of this act shall expire
14 and be deemed repealed on and after July 1, 2007; and

15 S 33. This act shall take effect on the ninetieth day after it shall
16 have become a law; provided, however, that the amendments to subdivision
17 4 of section 854 of the general municipal law made by section one of
18 this act shall not affect the expiration of such subdivision and shall
19 be deemed to expire therewith; provided further that the amendments to
20 section 862 of the general municipal law made by section fourteen of
21 this act shall take effect on the same date as the reversion of such
22 section as provided in section 38 of chapter 356 of the laws of 1993, as
23 amended; and provided further that the amendments to section 183 of the
24 economic development law made by section twenty-seven of this act shall
25 not affect the expiration of such section and shall expire therewith.

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