

6870

I N S E N A T E

March 24, 2014

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the "just and open business subsidies act (JOBS act) of 2014", in relation to the reporting and collection of information, evaluation criteria, subsidy recapture, and restrictions on the funding of public financial assistance for private economic development

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

1 Section 1. Legislative findings. The legislature finds that the state
2 and local governments of New York play an important role in facilitating
3 private economic development. Public financial assistance for economic
4 development should prioritize performance, encourage job creation for
5 all New Yorkers, and have money back guarantees. Empire State Develop-
6 ment (ESD) manages statewide economic development programs through as
7 many as 202 subsidiaries, each with its own board and staff. In addi-
8 tion, there are approximately 20 state agencies performing economic
9 development functions. At the local level, there are 114 Industrial
10 Development Agencies (IDAs), over 500 local development corporations, 82
11 Empire Zone Boards, 114 Business Improvement Districts, 49 Urban Renewal
12 and Community Development Agencies, and 10 Regional Economic Development
13 Councils, all engaging in economic development activity. These entities,
14 providing discretionary and as of right financial assistance, spend over
15 \$7 billion in state and local tax revenue and appropriations.

16 The legislature further finds that this system of economic development
17 is balkanized, opaque, often unaccountable, and has few performance
18 criteria on which to judge success or failure. This legislation is
19 intended to improve these important tools for economic development by
20 streamlining applications and reporting, strengthening accountability
21 mechanisms, and encouraging quality job creation for all New Yorkers.

22 The legislature further finds that the International Economic Develop-
23 ment Council (IEDC), the nation's largest professional association of
24 economic development officials, released findings from a survey of its

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

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1 4,500 members in February, 2013, in which 98.6 percent said "incentives
2 should be structured in such a way that the community receives a tangi-
3 ble return on investment (e.g., employment, capital investment)." In
4 addition, "96 percent believe that part or all of the granted incentives
5 should be returned if a company does not meet agreed-upon projections."
6 These findings show that there is significant support, even within the
7 economic development profession, for comprehensive reform.

8 The legislature further finds that the economic recovery from the
9 Great Recession has not reached all parts of New York. Unemployment and
10 poverty are significant problems throughout the state. For example, the
11 most recent census data shows that the Kingston Metropolitan Statistical
12 Area has an unemployment rate of 10.4% and a poverty rate of 14.7%.

13 The Ogdensburg-Massena Micropolitan Statistical Area has an unemploy-
14 ment rate of 10.8% and a poverty rate of 18.1%, Sullivan County has an
15 unemployment rate of 12.2% and a poverty rate of 18.5%. Meanwhile other
16 regions of New York and its neighboring states of Connecticut, Massachu-
17 setts, New Jersey, Pennsylvania and Vermont all have lower poverty and
18 unemployment rates than the aforementioned regions of New York. The
19 average unemployment rate of those six states is 9.4% and the average
20 poverty rate is 12.4%. New York has a significant interest in reducing
21 poverty and unemployment for its residents by ensuring that when public
22 money is used to finance economic development, a portion of the jobs
23 created are offered to residents of regions with high unemployment or
24 poverty.

25 S 2. This act shall be known and may be cited as the "just and open
26 business subsidies act (JOBS act) of 2014".

27 S 3. Section 2 of the public authorities law is amended by adding
28 seven new subdivisions 7, 8, 9, 10, 11, 12 and 13 to read as follows:

29 7. "FINANCIAL ASSISTANCE" SHALL MEAN: (A) ANY EXPENDITURE OF PUBLIC
30 FUNDS FOR THE PURPOSE OF STIMULATING ECONOMIC DEVELOPMENT WITHIN THE
31 STATE, INCLUDING, BUT NOT LIMITED TO, CASH PAYMENTS OR GRANTS, BOND
32 FINANCING, TAX ABATEMENTS OR EXEMPTIONS (INCLUDING, BUT NOT LIMITED TO,
33 ABATEMENTS OR EXEMPTIONS FROM REAL PROPERTY, MORTGAGE RECORDING, SALES
34 AND USE TAXES, OR THE DIFFERENCE BETWEEN ANY PAYMENTS IN LIEU OF TAXES
35 AND THE AMOUNT OF REAL PROPERTY OR OTHER TAXES THAT WOULD HAVE BEEN DUE
36 IF THE PROPERTY WERE NOT EXEMPTED FROM SUCH TAXES), TAX INCREMENT
37 FINANCING, FILING FEE WAIVERS, ENERGY COST REDUCTIONS, ENVIRONMENTAL
38 REMEDIATION COSTS, WRITE-DOWNS IN THE MARKET VALUE OF BUILDINGS OR LAND,
39 OR THE COST OF CAPITAL IMPROVEMENTS RELATED TO REAL PROPERTY FOR WHICH
40 THE STATE WOULD NOT PAY ABSENT THE DEVELOPMENT PROJECT, AND INCLUDES
41 BOTH DISCRETIONARY AND AS OF RIGHT ASSISTANCE, AND (B) ALL SUCCESSOR AND
42 SUBSEQUENT EXPENDITURES OF PUBLIC FUNDS FOR THE PURPOSE OF STIMULATING
43 ECONOMIC DEVELOPMENT WITHIN THE STATE. IN DETERMINING THE VALUE OF
44 ASSISTANCE PROVIDED, THE FULL VALUE OF ALL CITY, STATE AND FEDERAL
45 ASSISTANCE RECEIVED IN CONNECTION WITH THE PROJECT SHALL BE INCLUDED.

46 8. "RECIPIENT" SHALL MEAN ANY PERSON, INDIVIDUAL, PROPRIETORSHIP,
47 PARTNERSHIP, JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY,
48 TRUST, ASSOCIATION, ORGANIZATION OR OTHER ENTITY THAT RECEIVES FINANCIAL
49 ASSISTANCE, OR ANY ASSIGNEE OR SUCCESSOR IN INTEREST OF REAL PROPERTY
50 IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE.

51 9. "INFRASTRUCTURE" SHALL MEAN ANY SUBSTRUCTURE OR UNDERLYING FOUNDA-
52 TION OR NETWORK USED FOR PROVIDING GOODS AND SERVICES; ESPECIALLY THE
53 BASIC INSTALLATIONS AND FACILITIES ON WHICH THE CONTINUANCE AND GROWTH
54 OF A COMMUNITY, STATE, ETC., DEPEND. EXAMPLES INCLUDE ROADS, WATER
55 SYSTEMS, COMMUNICATIONS FACILITIES, SEWERS, SIDEWALKS, CABLE, WIRING,
56 SCHOOLS, POWER PLANTS, AND TRANSPORTATION AND COMMUNICATION SYSTEMS.

1 10. "COVERED EMPLOYER" SHALL MEAN: (A) A FINANCIAL ASSISTANCE RECIPI-
2 ENT; (B) A TENANT, SUB-TENANT, LEASEHOLDER OR SUBLEASEHOLDER WHO OCCU-
3 PIES REAL PROPERTY THAT IS IMPROVED OR DEVELOPED WITH FINANCIAL ASSIST-
4 ANCE; (C) FEE HOLDERS OR OTHER CONDOMINIUM OWNERS OF ANY PORTION OF REAL
5 PROPERTY IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE WHO PURCHASED
6 THE PROPERTY FROM A PRIOR OWNER OR WERE ASSIGNED THE PROPERTY THROUGH
7 FORECLOSURE OR OTHER MEANS; OR (D) ANY PERSON OR ENTITY THAT CONTRACTS
8 OR SUBCONTRACTS WITH A FINANCIAL ASSISTANCE RECIPIENT TO PERFORM WORK
9 FOR A PERIOD OF MORE THAN THIRTY DAYS ON THE PREMISES OF THE FINANCIAL
10 ASSISTANCE RECIPIENT OR ON THE PREMISES OF REAL PROPERTY IMPROVED OR
11 DEVELOPED WITH FINANCIAL ASSISTANCE, INCLUDING BUT NOT LIMITED TO TEMPO-
12 RARY SERVICES OR STAFFING AGENCIES, FOOD SERVICE CONTRACTORS, AND OTHER
13 ON-SITE SERVICE CONTRACTORS.

14 11. "WORKER HOURS" SHALL MEAN THE TOTAL HOURS WORKED EXCLUSIVE OF
15 HOURS WORKED BY RESIDENTS OF STATES OTHER THAN NEW YORK, WHETHER THE
16 WORKERS IN QUESTION ARE EMPLOYED BY THE FINANCIAL ASSISTANCE RECIPIENT
17 OR THE COVERED EMPLOYER.

18 12. "APPRENTICE" SHALL MEAN A WORKER WHO PARTICIPATES IN A FEDERAL OR
19 STATE APPRENTICESHIP PROGRAM OR, AS AN APPRENTICE EQUIVALENT, PARTIC-
20 IPATES IN A DEPARTMENT OF LABOR APPROVED TRAINING PROGRAM, TAKES A
21 CONSTRUCTION APPRENTICESHIP TEST, AND RECEIVES BENEFITS AND PAY NOT LESS
22 THAN THOSE RECEIVED BY AN APPRENTICE.

23 13. "APPRENTICESHIP PROGRAM" SHALL MEAN AN APPRENTICESHIP PROGRAM THAT
24 HAS BEEN APPROVED BY THE DEPARTMENT OF LABOR FOR NOT LESS THAN THREE
25 YEARS AND HAS GRADUATED AT LEAST ONE APPRENTICE IN THE LAST THREE YEARS
26 AND HAS AT LEAST ONE APPRENTICE CURRENTLY ENROLLED IN SUCH APPRENTICE-
27 SHIP TRAINING PROGRAM. IN ADDITION, IT MUST BE DEMONSTRATED THAT THE
28 PROGRAM HAS MADE SIGNIFICANT EFFORTS TO ATTRACT AND RETAIN MINORITY
29 APPRENTICES, AS DETERMINED BY AFFIRMATIVE ACTION GOALS ESTABLISHED FOR
30 SUCH PROGRAM BY THE DEPARTMENT OF LABOR.

31 S 4. Article 9 of the public authorities law is amended by adding a
32 new title 13 to read as follows:

33 TITLE 13

34 JUST AND OPEN BUSINESS SUBSIDIES ACT (JOBS ACT)

35 SECTION 2990. STANDARD APPLICATIONS FOR FINANCIAL ASSISTANCE.

36 2991. FINANCIAL ASSISTANCE AGREEMENTS.

37 2992. PUBLIC REVIEW.

38 2993. SUBSIDY RECAPTURE.

39 2994. UNIFIED ECONOMIC DEVELOPMENT BUDGET.

40 2995. RESTRICTIONS ON FUNDS OF LOCAL AND STATE AUTHORITIES.

41 2996. DESIGNATED BOARD REPRESENTATION.

42 2997. TARGETED HIRE.

43 2998. PAYMENTS IN LIEU OF TAXES.

44 S 2990. STANDARD APPLICATIONS FOR FINANCIAL ASSISTANCE. 1. ALL APPLI-
45 CATIONS SUBMITTED TO STATE AUTHORITIES, LOCAL AUTHORITIES, OR ANY OTHER
46 STATE GRANTING BODY REQUESTING FINANCIAL ASSISTANCE SHALL BE SUBMITTED
47 THROUGH A CONSOLIDATED FUNDING APPLICATION. THE CONSOLIDATED FUNDING
48 APPLICATION SHALL BE DEVELOPED BY THE AUTHORITIES BUDGET OFFICE, IN
49 COLLABORATION WITH RELEVANT GRANTING BODIES. THE CONSOLIDATED FUNDING
50 APPLICATION SHALL CONTAIN, AT A MINIMUM, ALL INFORMATION NECESSARY TO
51 FULFILL REPORTING REQUIREMENTS UNDER SUBPARAGRAPH SIX OF PARAGRAPH (A)
52 OF SUBDIVISION ONE AND SUBPARAGRAPH SIX OF PARAGRAPH (A) OF SUBDIVISION
53 TWO OF SECTION TWENTY-EIGHT HUNDRED OF THIS ARTICLE, AND MUST BE CERTI-
54 FIED BY THE PROJECT APPLICANT'S CHIEF EXECUTIVE OFFICER THAT THE APPLI-
55 CATION IS ACCURATE AND COMPLETE. THE APPLICATION SHALL INCLUDE ALL
56 INFORMATION NEEDED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT

1 AUTHORITY TO CALCULATE THE GREENHOUSE GAS EMISSIONS FROM PROPOSED
2 PROJECTS, INCLUDING BUT NOT LIMITED TO AMOUNT OF ELECTRICITY USAGE AND
3 TYPE AND AMOUNT OF FUEL USAGE.

4 2. NO STATE AUTHORITY, LOCAL AUTHORITY, OR ANY OTHER STATE GRANTING
5 BODY SHALL ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT WITH A RECIPIENT
6 PRIOR TO RECEIVING AND PROCESSING A COMPLETE CONSOLIDATED FUNDING APPLI-
7 CATION.

8 3. THE STATE AUTHORITY, LOCAL AUTHORITY, STATE GRANTING BODY AND THE
9 AUTHORITIES BUDGET OFFICE SHALL HAVE THE RIGHT OF ACCESS TO EXAMINE ALL
10 DOCUMENTS, PAYROLL RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE
11 AGENCY OR DEPARTMENT TO DETERMINE THE APPLICANT'S CLAIMS ARE ACCURATE.

12 S 2991. FINANCIAL ASSISTANCE AGREEMENTS. THE STATE AUTHORITY, LOCAL
13 AUTHORITY OR STATE GRANTING BODY SHALL ENTER INTO A FINANCIAL ASSISTANCE
14 AGREEMENT WITH THE RECIPIENT PRIOR TO PROVIDING SUCH ASSISTANCE. EACH
15 FINANCIAL ASSISTANCE AGREEMENT SHALL CONTAIN, AT A MINIMUM:

16 1. JOB CREATION AND/OR JOB RETENTION TARGETS AND THE MAINTENANCE OF
17 SUCH JOB LEVELS FIVE YEARS BEYOND THE END DATE OF THE FINANCIAL ASSIST-
18 ANCE AGREEMENT;

19 2. AN APPROVED TARGETED HIRING PLAN, WHERE APPLICABLE;

20 3. APPRENTICE TARGET HIRING PLAN, WHERE APPLICABLE;

21 4. INVESTMENT TARGETS;

22 5. DETAILED PLANS FOR COMPLIANCE WITH THE STATE SMART GROWTH PUBLIC
23 INFRASTRUCTURE POLICY ACT;

24 6. GREENHOUSE GAS EMISSIONS AND ENERGY USE BENCHMARKS;

25 7. ALL INFORMATION NECESSARY TO FULFILL REPORTING REQUIREMENTS UNDER
26 SUBPARAGRAPH SIX OF PARAGRAPH (A) OF SUBDIVISION ONE AND SUBPARAGRAPH
27 SIX OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED
28 OF THIS ARTICLE;

29 8. SUBSIDY RECAPTURE PROVISIONS; AND

30 9. YEARLY AND OVERALL PERFORMANCE BENCHMARKS.

31 S 2992. PUBLIC REVIEW. 1. THE STATE AUTHORITY, LOCAL AUTHORITY, STATE
32 GRANTING BODY AND THE AUTHORITIES BUDGET OFFICE SHALL HAVE THE RIGHT OF
33 ACCESS TO THE COVERED EMPLOYER'S PROJECT SITE AND TO EXAMINE ALL DOCU-
34 MENTS, PAYROLL RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE AGEN-
35 CY OR DEPARTMENT TO DETERMINE THE RECIPIENT IS IN COMPLIANCE WITH
36 PROVISIONS OF THE FINANCIAL ASSISTANCE AGREEMENT AND THIS ARTICLE. THE
37 STATE AUTHORITIES AND LOCAL AUTHORITIES SHALL COOPERATE FULLY WITH THE
38 AUTHORITIES BUDGET OFFICE IN CARRYING OUT ITS DUTIES.

39 2. THE STATE AUTHORITY, LOCAL AUTHORITY, OR STATE GRANTING BODY SHALL
40 FILE A COPY OF EACH RECIPIENT'S APPLICATION, THE FINANCIAL ASSISTANCE
41 AGREEMENT AND THE COST BENEFIT ANALYSIS ON ITS WEBSITE, WITH THE GOVERN-
42 ING BODY OF THE MUNICIPALITY AND WITH THE AUTHORITIES BUDGET OFFICE
43 WITHIN FIVE DAYS OF THE EXECUTION OF THE AGREEMENT.

44 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A STATE
45 AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY IN AN AREA WITH ONE
46 MILLION PERSONS OR MORE SHALL NOT PROVIDE DISCRETIONARY FINANCIAL
47 ASSISTANCE EXCEEDING A TOTAL OF ONE MILLION DOLLARS IN VALUE WITHOUT THE
48 APPROVAL OF THE AFFECTED TAXING JURISDICTIONS IN WHICH THE PROJECT WILL
49 OCCUR. IN ALL OTHER AREAS, A STATE AUTHORITY, LOCAL AUTHORITY OR STATE
50 GRANTING BODY SHALL NOT PROVIDE DISCRETIONARY FINANCIAL ASSISTANCE
51 EXCEEDING ONE HUNDRED THOUSAND DOLLARS IN VALUE WITHOUT THE APPROVAL OF
52 THE AFFECTED TAXING JURISDICTIONS IN WHICH THE PROJECT WILL OCCUR.
53 APPROVAL OF THE AFFECTED TAXING JURISDICTION SHALL CONSIST OF A MAJORITY
54 VOTE BY THE RELEVANT DECISION MAKING BODY OF THAT JURISDICTION.

55 4. PRIOR TO APPROVING ANY DISCRETIONARY ECONOMIC DEVELOPMENT ASSIST-
56 ANCE AGREEMENT OVER TWENTY-FIVE THOUSAND DOLLARS, A STATE AUTHORITY,

1 LOCAL AUTHORITY OR STATE GRANTING BODY SHALL: (A) HOLD A PUBLIC HEARING
2 ON THE PROVISION OF FINANCIAL ASSISTANCE; AND (B) PROVIDE NOTICE TO THE
3 PUBLIC THIRTY CALENDAR DAYS PRIOR TO THE PUBLIC HEARING. AT THE TIME OF
4 NOTICE, THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY
5 SHALL PROVIDE THE APPLICATION, THE PROPOSED ECONOMIC DEVELOPMENT ASSIST-
6 ANCE AGREEMENT, AND ANY OTHER MATERIALS RELEVANT TO THE DECISION, SUCH
7 AS THE COST BENEFIT ANALYSIS, TO THE PUBLIC. THE DOCUMENTS SHALL BE
8 AVAILABLE ELECTRONICALLY AND THE DOCUMENTS SHALL BE AVAILABLE IN PRINT
9 UPON REQUEST. THE PUBLIC HEARING SHALL PROVIDE THE PUBLIC REASONABLE
10 OPPORTUNITY TO COMMENT ON THE PROPOSED FINANCIAL ASSISTANCE AGREEMENT.
11 THE HEARING SHALL TAKE PLACE NO LESS THAN SEVEN CALENDAR DAYS BEFORE THE
12 FINAL DECISION. THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING
13 BODY MUST RESPOND TO PUBLIC COMMENTS SUBMITTED ORALLY OR IN WRITING WITH
14 OFFICIAL, WRITTEN REPLIES BEFORE SUCH TIME AS THE DECISION IS MADE. ALL
15 PUBLIC HEARINGS SHALL BE RECORDED VERBATIM AND TRANSCRIPTS AVAILABLE ON
16 LINE AND TRANSCRIPTS AVAILABLE IN PRINT UPON REQUEST.

17 5. PRIOR TO APPROVING ANY AS OF RIGHT FINANCIAL ASSISTANCE AGREEMENT
18 OVER TWENTY-FIVE THOUSAND DOLLARS, A STATE AUTHORITY, LOCAL AUTHORITY OR
19 STATE GRANTING BODY SHALL PROVIDE NOTICE TO THE PUBLIC THIRTY CALENDAR
20 DAYS PRIOR TO THE APPROVAL OF FINANCIAL ASSISTANCE. AT THE TIME OF
21 NOTICE, THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY
22 SHALL PROVIDE THE APPLICATION, THE PROPOSED FINANCIAL ASSISTANCE AGREE-
23 MENT, AND ANY OTHER MATERIALS RELEVANT TO THE DECISION, SUCH AS THE COST
24 BENEFIT ANALYSIS, TO THE PUBLIC. THE DOCUMENTS SHALL BE AVAILABLE ELEC-
25 TRONICALLY AND THE DOCUMENTS SHALL BE AVAILABLE IN PRINT UPON REQUEST.

26 S 2993. SUBSIDY RECAPTURE. 1. ALL FINANCIAL ASSISTANCE AGREEMENTS
27 SHALL CONTAIN: (A) A SPECIFIC SCHEDULE FOR SUBSIDY RECAPTURE; (B) THE
28 MEASURABLE YEARLY BENCHMARKS THAT A RECIPIENT MUST MEET IN ORDER TO
29 AVOID RECAPTURE; AND (C) PROVISIONS FOR RECALIBRATION OR RESCISSION OF
30 BENEFITS.

31 2. RECAPTURE PROVISIONS, AT A MINIMUM, SHALL BE BASED UPON EACH
32 REQUIRED COMPONENT OF THE FINANCIAL ASSISTANCE AGREEMENT, AS IDENTIFIED
33 IN SECTION TWENTY-NINE HUNDRED NINETY-ONE OF THIS TITLE.

34 3. IF THE RECIPIENT FAILS TO FULFILL ANY OBLIGATION UNDER THE FINAN-
35 CIAL ASSISTANCE AGREEMENT, OR IS FOUND TO HAVE COMMITTED A VIOLATION OF
36 ANY STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL
37 PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR
38 MINORITY OR WOMEN-OWNED BUSINESSES BY FINAL JUDGMENT OF A COURT OR
39 ADMINISTRATIVE TRIBUNAL, THE STATE AUTHORITY OR LOCAL AUTHORITY SHALL
40 IMMEDIATELY SUSPEND ALL FINANCIAL ASSISTANCE TO THE RECIPIENT AND THE
41 APPLICABLE RECAPTURE PROVISIONS SET FORTH IN SUBDIVISION ONE OF THIS
42 SECTION SHALL TAKE EFFECT. (A) THE STATE AUTHORITY OR LOCAL AUTHORITY
43 SHALL PROMPTLY ISSUE A PRELIMINARY NOTICE OF DEFAULT TO THE RECIPIENT
44 AND PROVIDE AN OPPORTUNITY TO CURE. THE RECIPIENT CAN CURE THE DEFAULT
45 EITHER BY PROVIDING EVIDENCE DOCUMENTING THAT THE RECIPIENT IS NOT IN
46 DEFAULT, OR BY MEETING THE OBLIGATIONS UNDER THE FINANCIAL ASSISTANCE
47 AGREEMENT WITHIN ONE MONTH OF NOTIFICATION OF DEFAULT. (B) IF THE RECIP-
48 IENT OF FINANCIAL ASSISTANCE FAILS TO CURE THE DEFAULT WITHIN TWENTY
49 BUSINESS DAYS OF THE ISSUANCE OF NOTICE, THE STATE AUTHORITY OR LOCAL
50 AUTHORITY SHALL PROMPTLY ISSUE A FINAL NOTICE OF DEFAULT TO THE RECIPI-
51 ENT WHO SHALL REMIT REPAYMENT BASED ON THE APPLICABLE RECAPTURE SCHED-
52 ULE. (C) THE RECIPIENT SHALL REPAY SUCH ASSISTANCE TO THE STATE AUTHORI-
53 TY, LOCAL AUTHORITY, OR STATE GRANTING BODY AT A RATE OF INTEREST EQUAL
54 TO THE PRIME RATE, PLUS ONE PERCENT AS OF THE DATE OF THE NOTICE. THE
55 AMOUNT OF REPAYMENT MAY BE PRORATED ACCORDING TO ANY PARTIAL FULFILLMENT
56 OF THE RECIPIENT'S OBLIGATIONS UNDER THE AGREEMENT, AS IDENTIFIED IN THE

1 SUBSIDY RECAPTURE SCHEDULE. THE LOCAL AUTHORITY, STATE AUTHORITY OR
2 STATE GRANTING BODY SHALL REMIT THE RECAPTURED SUBSIDIES TO THE RELEVANT
3 LOCAL TAXING JURISDICTION. (D) IF A RECIPIENT IS REQUIRED TO REPAY
4 FINANCIAL ASSISTANCE UNDER THIS SUBDIVISION, THE RECIPIENT AND ANY
5 SUBSIDIARY, PARENT OR SUCCESSOR OF THE RECIPIENT SHALL BE PROHIBITED
6 FROM ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH ANY OTHER STATE
7 OR LOCAL AUTHORITY OR INSTRUMENTALITY OF THIS STATE UNTIL THE STATE
8 AUTHORITY OR LOCAL AUTHORITY HAS RECEIVED FULL REPAYMENT OF THE AMOUNT
9 DUE. (E) WHENEVER THE ATTORNEY GENERAL HAS GOOD REASON TO BELIEVE THAT
10 THE RECIPIENT'S FAILURE TO FULFILL THE FINANCIAL ASSISTANCE AGREEMENT
11 INVOLVES THE STATE'S INTEREST, OR THAT THE RECIPIENT HAS COMMITTED A
12 SUBSTANTIAL VIOLATION OF THE LAWS OF THIS STATE, HE OR SHE MAY COMMENCE
13 AN ACTION TO RECOVER THE FINANCIAL ASSISTANCE AND FOR SUCH OTHER RELIEF
14 AS PROVIDED BY LAW.

15 4. THE AUTHORITIES BUDGET OFFICE SHALL ANNUALLY COMPILE A REPORT ON
16 THE OUTCOMES AND EFFECTIVENESS OF RECAPTURE PROVISIONS BY PROGRAM,
17 INCLUDING, BUT NOT LIMITED TO: (A) THE TOTAL NUMBER OF COMPANIES THAT
18 RECEIVE FINANCIAL ASSISTANCE AS DEFINED IN THIS ARTICLE; (B) THE TOTAL
19 NUMBER OF RECIPIENTS IN VIOLATION OF DEVELOPMENT AGREEMENTS; (C) THE
20 TOTAL NUMBER OF COMPLETED RECAPTURE EFFORTS; (D) THE TOTAL NUMBER OF
21 RECAPTURE EFFORTS INITIATED; AND (E) THE TOTAL NUMBER OF WAIVERS GRANT-
22 ED. SUCH REPORT SHALL BE DISCLOSED CONSISTENT WITH THE PROVISIONS OF
23 SECTION TWENTY-EIGHT HUNDRED OF THIS ARTICLE.

24 5. THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY MAY
25 ELECT TO WAIVE ENFORCEMENT OF ANY CONTRACTUAL PROVISION ARISING OUT OF
26 THE FINANCIAL ASSISTANCE AGREEMENT, BASED ON THE FINDING THAT THE WAIVER
27 IS NECESSARY TO AVERT IMMINENT AND DEMONSTRABLE HARDSHIP TO THE RECIPI-
28 ENT, ONLY AFTER APPROVAL BY THE AFFECTED TAXING JURISDICTIONS. IF THE
29 WAIVER IS GRANTED, THE RECIPIENT MUST AGREE TO A CONTRACTUAL MODIFICA-
30 TION TO THE FINANCIAL ASSISTANCE AGREEMENT THAT INCLUDES RECAPTURE
31 PROVISIONS.

32 S 2994. UNIFIED ECONOMIC DEVELOPMENT BUDGET. 1. FOR EACH STATE FISCAL
33 YEAR ENDING ON OR AFTER JUNE THIRTIETH, TWO THOUSAND FOURTEEN, THE
34 DEPARTMENT OF TAXATION AND FINANCE SHALL SUBMIT AN ANNUAL UNIFIED
35 ECONOMIC DEVELOPMENT BUDGET TO THE GOVERNOR, SENATE AND ASSEMBLY. THE
36 UNIFIED ECONOMIC DEVELOPMENT BUDGET SHALL BE DUE WITHIN THREE MONTHS
37 AFTER THE END OF THE FISCAL YEAR, AND SHALL PRESENT ALL TYPES OF PROJECT
38 SPECIFIC FINANCIAL ASSISTANCE GRANTED DURING THE PRIOR FISCAL YEAR,
39 INCLUDING, AT A MINIMUM:

40 (A) THE AMOUNT OF UNCOLLECTED STATE TAX REVENUES RESULTING FROM EVERY
41 CORPORATE TAX CREDIT, ABATEMENT, EXEMPTION AND REDUCTION PROVIDED BY THE
42 STATE OR A LOCAL GOVERNMENTAL UNIT INCLUDING BUT NOT LIMITED TO GROSS
43 RECEIPTS, INCOME, SALES, USE, RAW MATERIALS, EXCISE, PROPERTY, UTILITY,
44 AND INVENTORY TAXES;

45 (B) THE AMOUNT OF UNCOLLECTED STATE TAX REVENUES RESULTING FROM EVERY
46 TAX EXEMPT BOND OR LOAN PROVIDED BY THE STATE OR A LOCAL GOVERNMENTAL
47 UNIT;

48 (C) THE AMOUNT OF FINANCIAL ASSISTANCE PROVIDED FROM EVERY GRANT BY
49 THE STATE OR A LOCAL GOVERNMENTAL UNIT;

50 (D) ESTIMATES PREPARED BY THE COMMISSIONER OF TAXATION AND FINANCE, IN
51 CONJUNCTION WITH THE DIRECTOR OF THE BUDGET, OF THE COST OF SUCH FINAN-
52 CIAL ASSISTANCE FOR THE: (I) CURRENT TAXABLE OR CALENDAR YEAR; AND (II)
53 THE FIVE PRECEDING YEARS;

54 (E) THE NAME OF EACH CORPORATE TAXPAYER WHICH CLAIMED ANY FINANCIAL
55 ASSISTANCE UNDER PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION OF ANY

1 VALUE EQUAL TO OR GREATER THAN FIVE THOUSAND DOLLARS, TOGETHER WITH THE
2 DOLLAR AMOUNT RECEIVED BY EACH SUCH CORPORATION;
3 (F) ANY TAX CREDIT, ABATEMENT, EXEMPTION OR REDUCTION RECEIVED BY A
4 CORPORATION OF LESS THAN FIVE THOUSAND DOLLARS EACH SHALL NOT BE ITEM-
5 IZED. THE AGGREGATE DOLLAR AMOUNT OF SUCH EXPENDITURES AND THE NUMBER OF
6 COMPANIES SO AGGREGATED FOR EACH TAX EXPENDITURE SHALL BE INCLUDED;
7 (G) ALL STATE APPROPRIATED EXPENDITURES FOR ECONOMIC DEVELOPMENT,
8 INCLUDING EXPENDITURES FOR INFRASTRUCTURE IMPROVEMENTS RELATED TO REAL
9 PROPERTY FOR WHICH THE STATE WOULD NOT PAY ABSENT THE DEVELOPMENT
10 PROJECT, AND LINE-ITEM BUDGETS FOR EVERY STATE-FUNDED ENTITY CONCERNED
11 WITH ECONOMIC DEVELOPMENT;
12 (H) THE PROVISIONS OF LAW AUTHORIZING SUCH TAX EXPENDITURES, THEIR
13 EFFECTIVE DATES, THE PROGRAM, IF ANY EXISTS, THROUGH WHICH THE FINANCIAL
14 ASSISTANCE IS GRANTED, THE AGENCIES OR ENTITIES THAT MANAGE THE PROGRAM
15 AND/OR AUTHORIZE THE FINANCIAL ASSISTANCE, AND, IF APPLICABLE, THE DATES
16 ON WHICH SUCH FINANCIAL ASSISTANCE EXPIRES OR IS REDUCED;
17 (I) ANY RECOMMENDATIONS OF THE GOVERNOR REGARDING CONTINUING, MODIFY-
18 ING, OR REPEALING SUCH FINANCIAL ASSISTANCE, AND SUCH OTHER INFORMATION
19 REGARDING DEVELOPMENT EXPENDITURES AS THE EXECUTIVE MAY FEEL USEFUL AND
20 APPROPRIATE;
21 (J) IF THE GOVERNOR'S BUDGET INCLUDES PROPOSALS FOR THE EXPIRATION,
22 MODIFICATION, OR REPEAL OF SUCH FINANCIAL ASSISTANCE OR FOR THE ADDITION
23 OF FINANCIAL ASSISTANCE IN OR TO SUCH ARTICLES OR SUCH LAW, SUCH REPORT
24 SHALL ALSO CONTAIN, TO THE EXTENT RELIABLE DATA ARE AVAILABLE, AN ANALY-
25 SIS OF THE NUMBER AND TYPES OF PERSONS AND ENTITIES BENEFITING OR
26 EXPECTED TO BENEFIT FROM SUCH FINANCIAL ASSISTANCE, AN ESTIMATE OF THE
27 COSTS OF SUCH FINANCIAL ASSISTANCE FOR THE COMING FISCAL YEAR, AND AN
28 EXPLANATION OF THE REASONS FOR THE PROPOSALS;
29 (K) GENERAL CAUTIONARY AND ADVISORY NOTES CONCERNING LIMITATIONS OF
30 DATA, ESTIMATION PROCEDURES, SAMPLING ERRORS AND IMPUTED VALUES, PROMI-
31 NENTLY DISPLAYED.

32 S 2995. RESTRICTIONS ON FUNDS OF LOCAL AND STATE AUTHORITIES. 1. NO
33 FINANCIAL ASSISTANCE OF THE STATE AUTHORITY OR LOCAL AUTHORITY SHALL BE
34 USED IN RESPECT OF ANY PROJECT IF THE COMPLETION THEREOF WOULD RESULT IN
35 THE REMOVAL OF ALL OR ANY PART OF A FACILITY OR PLANT OF THE PROJECT
36 OCCUPANT FROM ONE AREA OF THE STATE TO ANOTHER AREA OF THE STATE OR IN
37 THE ABANDONMENT OF ALL OR ANY PART OF ONE OR MORE PLANTS OR FACILITIES
38 OF THE PROJECT OCCUPANT LOCATED WITHIN THE STATE, OR IN THE LOSS OF
39 EMPLOYMENT IN THE LABOR MARKET AREA FROM WHICH THE RELOCATION OCCURS,
40 PROVIDED, HOWEVER, THAT NEITHER RESTRICTION SHALL APPLY IF (A) THE PRIOR
41 CONSENT OF THE AFFECTED TAXING JURISDICTIONS FROM WHICH ALL OR ANY PART
42 OF A FACILITY OR PLANT OF THE PROJECT OCCUPANT WILL BE REMOVED OR ABAN-
43 DONED IS PROVIDED IN WRITING AND (B) THE AUTHORITY SHALL DETERMINE ON
44 THE BASIS OF CLEAR AND CONVINCING EVIDENCE THAT THE PROJECT IS REASON-
45 ABLY NECESSARY TO DISCOURAGE THE PROJECT OCCUPANT FROM REMOVING SUCH
46 OTHER PLANT OR FACILITY TO A LOCATION OUTSIDE THE STATE OR IS REASONABLY
47 NECESSARY TO PRESERVE THE COMPETITIVE POSITION OF THE PROJECT OCCUPANT
48 IN ITS RESPECTIVE INDUSTRY.

49 2. UPON A COMPLAINT BY A LOCAL OR STATE ELECTED OFFICIAL THAT FINAN-
50 CIAL ASSISTANCE OF AN AUTHORITY HAS RESULTED IN THE ABANDONMENT OR
51 REMOVAL BY A PROJECT OCCUPANT OF ALL OR ANY PART OF ONE OR MORE PLANTS
52 OR FACILITIES IN SUCH MUNICIPALITY, THE AUTHORITIES BUDGET OFFICE OR A
53 DESIGNEE SHALL INVESTIGATE SUCH ALLEGATION AND MAY SCHEDULE A PUBLIC
54 HEARING ON THE MATTER. IF THE AUTHORITIES BUDGET OFFICE DETERMINES THAT
55 THE COMPLAINT IS VALID, THE AUTHORITY THAT PROVIDED THE FINANCIAL
56 ASSISTANCE SHALL RECAPTURE THE ASSISTANCE FROM THE PROJECT APPLICANT,

1 AND PAY TO THE MUNICIPALITY AN AMOUNT EQUAL TO THE PORTION OF TAX OR
2 TAXES THAT THE PROJECT APPLICANT SAVED OR AVOIDED DUE TO ITS RELOCATION
3 AND THE AUTHORITY IS SUSPENDED FROM NEGOTIATING ANY FINANCIAL ASSISTANCE
4 AGREEMENTS FOR ONE YEAR.

5 3. NO FINANCIAL ASSISTANCE OF THE STATE OR LOCAL AUTHORITY SHALL BE
6 USED TO ASSIST IN THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY
7 OR OPERATION FROM ONE LOCATION IN THE STATE WITH EXISTING INFRASTRUCTURE
8 TO ANOTHER LOCATION IN THE STATE WITH NO EXISTING INFRASTRUCTURE.

9 S 2996. DESIGNATED BOARD REPRESENTATION. EXCEPT AS OTHERWISE PROVIDED
10 BY SPECIAL ACT OF THE LEGISLATURE, A STATE AUTHORITY OR LOCAL AUTHORITY
11 SHALL CONSIST OF NOT LESS THAN THREE MEMBERS WHO SHALL BE APPOINTED BY
12 THE GOVERNING BODY OF EACH MUNICIPALITY AND WHO SHALL SERVE FOR A TERM
13 OF FOUR YEARS. EACH BOARD SHALL BE REPRESENTATIVE OF LOCAL BUSINESSES,
14 ORGANIZED LABOR, COMMUNITY ORGANIZATIONS, ENVIRONMENTAL ORGANIZATIONS,
15 WORKFORCE DEVELOPMENT ORGANIZATIONS, FINANCIAL INSTITUTIONS, LOCAL
16 EDUCATIONAL INSTITUTIONS AND RESIDENTS OF THE AREA. A MEMBER SHALL
17 CONTINUE TO HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND HAS
18 QUALIFIED. THE GOVERNING BODY OF EACH MUNICIPALITY SHALL DESIGNATE THE
19 FIRST CHAIRPERSON AND FILE WITH THE SECRETARY OF STATE A CERTIFICATE OF
20 APPOINTMENT OR REAPPOINTMENT OF ANY MEMBER. SUCH MEMBERS SHALL RECEIVE
21 NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO THE NECES-
22 SARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN THE DISCHARGE
23 OF THEIR DUTIES. MEMBERS MUST NOT BE OR HAVE, WITHIN THE PAST FIVE
24 YEARS, BEEN:

25 1. AN EMPLOYEE OR AN OWNER OF A FIRM THAT IS A PAID ADVISOR OR
26 CONSULTANT OF THE AUTHORITY, INCLUDING A PRESENT OR FORMER INDEPENDENT
27 AUDITOR OF THE AUTHORITY;

28 2. EMPLOYED BY A SIGNIFICANT SUPPLIER OF THE AUTHORITY;

29 3. EMPLOYED BY AND HAD A FIVE PERCENT OR GREATER OWNERSHIP INTEREST IN
30 A SUPPLIER WHERE SALES TO THE AUTHORITY REPRESENT MORE THAN ONE PERCENT
31 OF THE SALES OF THE SUPPLIER OR MORE THAN ONE PERCENT OF THE PURCHASES
32 OF THE AUTHORITY; AND

33 4. A LOBBYIST REGISTERED UNDER A STATE OR LOCAL LAW COVERING ANY
34 JURISDICTION SERVED IN WHOLE OR IN PART BY THE AUTHORITY.

35 S 2997. TARGETED HIRE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW
36 TO THE CONTRARY, AND EXCEPT AS IS OTHERWISE PROVIDED BY COLLECTIVE
37 BARGAINING CONTRACTS OR AGREEMENTS, RECIPIENTS OF MORE THAN ONE HUNDRED
38 THOUSAND DOLLARS IN CUMULATIVE FINANCIAL ASSISTANCE BY LOCAL AND STATE
39 AUTHORITIES, AS WELL AS COVERED EMPLOYERS, SHALL ENSURE THAT (A) FIFTY
40 PERCENT OF CONSTRUCTION AND NON-CONSTRUCTION WORKER HOURS PERFORMED ON
41 THE PROJECT BENEFITING FROM THE FINANCIAL ASSISTANCE ARE PERFORMED BY
42 RESIDENTS OF A NEW YORK METROPOLITAN STATISTICAL AREA (MSA), MICROPOLI-
43 TAN STATISTICAL AREA (MISA), OR COUNTY THAT IS NOT DESIGNATED AS AN MSA
44 OR MISA, AS DEFINED BY THE UNITED STATES BUREAU OF LABOR STATISTICS,
45 THAT CONTAINS THE PROJECT OR ANY PART THEREOF, AND IN WHICH THE MOST
46 RECENT CENSUS DETERMINES THAT THE POVERTY OR UNEMPLOYMENT RATE IS HIGHER
47 THAN THE AVERAGE (AGGREGATED) POVERTY OR UNEMPLOYMENT RATE OF THE
48 REGIONAL LABOR MARKET STATES OF NEW YORK, CONNECTICUT, MASSACHUSETTS,
49 NEW JERSEY, PENNSYLVANIA AND VERMONT; AND (B) TWENTY-FIVE PERCENT OF
50 CONSTRUCTION WORKER HOURS PERFORMED ON THE PROJECT BENEFITING FROM THE
51 FINANCIAL ASSISTANCE ARE PERFORMED BY APPRENTICES.

52 2. IF THE PERCENTAGE TARGETED HIRING REQUIREMENTS OF SUBDIVISION ONE
53 OF THIS SECTION HAVE NOT BEEN SATISFIED FOR A PROJECT, THE RECIPIENT
54 NONETHELESS MAY BE DEEMED TO BE IN COMPLIANCE IF IT DEMONSTRATES THAT IT
55 AND EACH COVERED EMPLOYER HAVE EITHER (A) SATISFIED THE TARGETED HIRING
56 REQUIREMENTS WITH REGARD TO THE PROJECT WORK THAT EACH HAS PERFORMED OR

1 (B) SATISFACTORILY DEMONSTRATED THE FOLLOWING: (I) ADHERENCE TO PROCE-
2 DURES CONTAINED IN AN APPROVED TARGETED HIRING PLAN; (II) AS APPROPRI-
3 ATE, MADE REQUESTS TO UNIONS, USING PROPER FORMS, OF SUFFICIENT NUMBERS
4 OF TARGETED WORKERS AND APPRENTICES TO MEET THE TARGETED HIRING PERCENT-
5 AGES SET FORTH IN SUBDIVISION ONE OF THIS SECTION; (III) AS APPROPRIATE,
6 DOCUMENTED CONTACT WITH THE APPROPRIATE AGENCY REPRESENTATIVE IN EACH
7 INSTANCE WHEN THE RELEVANT UNION DID NOT REFER QUALIFIED TARGETED WORK-
8 ERS WITHIN THE FORTY-EIGHT HOURS FOLLOWING THE CONTRACTOR'S REQUEST;
9 (IV) FAIR CONSIDERATION BY THE RECIPIENT AND COVERED EMPLOYERS OF ANY
10 TARGETED WORKER RECEIVED FROM ANY REFERRAL SOURCE; (V) ACCURATE RECORDS
11 DOCUMENTING THE RECIPIENT'S AND COVERED EMPLOYERS' COMPLIANCE EFFORTS
12 THAT INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING: (1) A LISTING BY
13 NAME AND ADDRESS OF ALL LOCAL RECRUITMENT SOURCES CONTACTED BY THE
14 RECIPIENT AND COVERED EMPLOYERS; (2) THE NUMBER OF TARGETED WORKER HIRES
15 MADE AS A RESULT OF THE CONTACT; (3) THE IDENTITY AND ADDRESS OF THE
16 WORKER OR WORKERS HIRED PURSUANT TO THE CONTACT; (4) DOCUMENTATION WHEN
17 A TARGETED WORKER WAS NOT HIRED (INCLUDING THE REASON FOR NON-HIRE)
18 AND/OR PREMATURE TERMINATION; (5) FOR CONSTRUCTION PROJECTS ONLY, RECIP-
19 IENTS SHALL ALSO INCLUDE THE DATE OF THE LOCAL RECRUITMENT CONTACT AND
20 THE IDENTITY OF THE PERSON CONTACTED, THE TRADE AND CLASSIFICATION AND
21 NUMBER OF HIRE REFERRALS REQUESTED.

22 3. FINANCIAL ASSISTANCE RECIPIENTS SHALL GUARANTEE THAT ALL COVERED
23 EMPLOYERS OPERATING ON THEIR PREMISES OR ON THE PREMISES OF REAL PROPER-
24 TY IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE COMPLY WITH THE
25 REQUIREMENTS OF THIS SECTION.

26 4. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE ANY RECIPIENT OR
27 COVERED EMPLOYER TO OFFER EMPLOYMENT TO ANY PARTICULAR INDIVIDUAL, OR
28 OTHERWISE AFFECT THE AUTHORITY OF ANY EMPLOYER WITH REGARD TO PERSONNEL
29 MATTERS.

30 5. A COMPLAINT FOR A VIOLATION OF THIS SECTION MAY BE FILED BY AN
31 AFFECTED EMPLOYEE, JOB APPLICANT, OR BY AN ORGANIZATION REPRESENTING
32 SUCH EMPLOYEE, PURSUANT TO THE PROCEDURES UNDER ARTICLES EIGHT AND NINE
33 OF THE LABOR LAW.

34 6. THE RELEVANT FISCAL OFFICER, AS DEFINED IN SUBDIVISION EIGHT OF
35 SECTION TWO HUNDRED THIRTY OF THE LABOR LAW, SHALL HAVE THE AUTHORITY TO
36 ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. MONITORING
37 ACTIVITIES MAY INCLUDE REQUESTS TO PRODUCE DOCUMENTATION INCLUDING THE
38 PROVISION OF CERTIFIED PAYROLLS, SITE VISITS, INTERVIEWS, REVIEW OF
39 REQUIRED REPORTS, AND ANY OTHER MONITORING ACTIVITIES THE FISCAL OFFICER
40 REASONABLY FINDS NECESSARY TO ASSESS COMPLIANCE WITH THIS SECTION.
41 COVERED EMPLOYERS SHALL COOPERATE FULLY AND PROMPTLY WITH ANY INQUIRIES
42 THE FISCAL OFFICER DEEMS NECESSARY IN ORDER TO MONITOR COMPLIANCE WITH
43 THIS SECTION. THE FISCAL OFFICER MAY REVIEW A COVERED EMPLOYER'S
44 COMPLIANCE WITH THIS SECTION EITHER ON ITS OWN INITIATIVE OR AFTER
45 RECEIVING A COMPLAINT OR INQUIRY FROM A MEMBER OF THE PUBLIC OR CITY OR
46 STATE STAFF.

47 7. STATE AUTHORITIES, LOCAL AUTHORITIES, OR ANY OTHER STATE GRANTING
48 BODIES SHALL PREPARE QUARTERLY TARGETED HIRE REPORTS LISTING EACH SUBSI-
49 DY RECIPIENT, WHETHER IT IS SUBJECT TO SUBDIVISION ONE OF THIS SECTION,
50 AND WHETHER IT HAS MET THE PERCENT TARGETED HIRE REQUIREMENTS IDENTIFIED
51 IN SUBDIVISION ONE OF THIS SECTION. THE REPORT SHALL IDENTIFY THE
52 PERCENTAGE OF WORKERS IN EACH PROJECT THAT RESIDE IN AN MSA, MISA OR
53 COUNTY NOT DESIGNATED AS AN MSA OR MISA AND CONTAINING THE PROJECT, AS
54 WELL AS THE PERCENTAGE OF WORKERS THAT ARE NEW YORK RESIDENTS. THESE
55 REPORTS SHALL BE AVAILABLE TO THE PUBLIC. DATA FROM THE QUARTERLY

1 REPORTS MAY BE USED TO COMPILE THE ANNUAL REPORT, IDENTIFIED IN SECTION
2 TWENTY-EIGHT HUNDRED OF THIS ARTICLE.

3 8. THE FISCAL OFFICER SHALL PROMPTLY NOTIFY THE STATE OR LOCAL PUBLIC
4 AUTHORITY AFTER A FINAL JUDGMENT DETERMINING THAT THE EMPLOYER HAS
5 VIOLATED THIS SECTION. UPON RECEIPT OF SUCH NOTICE, THE AUTHORITY SHALL
6 IMMEDIATELY SUSPEND FINANCIAL ASSISTANCE TO THE RECIPIENT. THE RECIPIENT
7 SHALL REPAY SUCH ASSISTANCE TO THE AUTHORITY PURSUANT TO SECTION TWEN-
8 TY-NINE HUNDRED NINETY-THREE OF THIS TITLE.

9 9. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR
10 CONFLICTING WITH ANY LAW, OBLIGATION, OR COLLECTIVE BARGAINING AGREEMENT
11 THAT REQUIRES GREATER LEVELS OF TARGETED HIRING FOR RECIPIENTS OR
12 COVERED EMPLOYERS.

13 10. ANY PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION, ANY ENTITY A
14 MEMBER OF WHICH IS AGGRIEVED BY A VIOLATION OF THIS SECTION, OR ANY
15 OTHER PERSON OR ENTITY ACTING ON BEHALF OF THE PUBLIC AS PROVIDED FOR
16 UNDER APPLICABLE STATE LAW, MAY BRING A CIVIL ACTION IN A COURT OF
17 COMPETENT JURISDICTION AGAINST THE RECIPIENT OR COVERED EMPLOYER VIOLAT-
18 ING THIS SECTION AND, UPON PREVAILING, SHALL BE AWARDED REASONABLE
19 ATTORNEYS' FEES AND COSTS AND SHALL BE ENTITLED TO SUCH LEGAL OR EQUITA-
20 BLE RELIEF AS MAY BE APPROPRIATE TO REMEDY THE VIOLATION. PROVIDED,
21 HOWEVER, THAT ANY PERSON OR ENTITY ENFORCING THIS TITLE ON BEHALF OF THE
22 PUBLIC AS PROVIDED FOR UNDER APPLICABLE STATE LAW SHALL, UPON PREVAIL-
23 ING, BE ENTITLED ONLY TO EQUITABLE, INJUNCTIVE OR RESTITUTIONARY RELIEF
24 TO EMPLOYEES OR JOB APPLICANTS, AND REASONABLE ATTORNEYS' FEES AND
25 COSTS.

26 S 2998. PAYMENTS IN LIEU OF TAXES. NO PAYMENT IN LIEU OF TAXES AGREE-
27 MENT SHALL BE FOR A PERIOD OF TIME LONGER THAN FIVE YEARS. THE AGREEMENT
28 SHALL BE RENEWABLE FOR ONE ADDITIONAL PERIOD OF FIVE YEARS, SO LONG AS
29 THE RECIPIENT HAS MET THE CONDITIONS OF THE FINANCIAL ASSISTANCE AGREE-
30 MENT AND AFTER A VOTE BY THE RELEVANT BOARD.

31 S 5. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 2
32 of section 2800 of the public authorities law, as amended by chapter 506
33 of the laws of 2009, are amended to read as follows:

34 (a) For the purpose of furnishing the state with systematic informa-
35 tion regarding the status and the activities of public authorities,
36 every state authority continued or created by this chapter or any other
37 chapter of the laws of the state of New York shall submit to the gover-
38 nor, the chairman and ranking minority member of the senate finance
39 committee, the chairman and ranking minority member of the assembly ways
40 and means committee, the state comptroller, and the authorities budget
41 office, within ninety days after the end of its fiscal year, a complete
42 and detailed report or reports setting forth: (1) its operations and
43 accomplishments; (2) its financial reports, including (i) audited finan-
44 cials in accordance with all applicable regulations and following gener-
45 ally accepted accounting principles as defined in subdivision ten of
46 section two of the state finance law, (ii) grant and subsidy programs,
47 (iii) operating and financial risks, (iv) current ratings, if any, of
48 its bonds issued by recognized municipal bond rating agencies and notice
49 of changes in such ratings, and (v) long-term liabilities, including
50 leases and employee benefit plans; (3) its mission statement and meas-
51 urements including its most recent measurement report; (4) a schedule of
52 its bonds and notes outstanding at the end of its fiscal year, together
53 with a statement of the amounts redeemed and incurred during such fiscal
54 year as part of a schedule of debt issuance that includes the date of
55 issuance, term, amount, interest rate and means of repayment. Addi-
56 tionally, the debt schedule shall also include all refinancings, calls,

1 refundings, defeasements and interest rate exchange or other such agree-
2 ments, and for any debt issued during the reporting year, the schedule
3 shall also include a detailed list of costs of issuance for such debt;
4 (5) a compensation schedule, in addition to the report described in
5 section twenty-eight hundred six of this title, that shall include, by
6 position, title and name of the person holding such position or title,
7 the salary, compensation, allowance and/or benefits provided to any
8 officer, director or employee in a decision making or managerial posi-
9 tion of such authority whose salary is in excess of one hundred thousand
10 dollars; (5-a) biographical information, not including confidential
11 personal information, for all directors and officers and employees for
12 whom salary reporting is required under subparagraph five of this para-
13 graph; (6) the projects undertaken by such authority during the past
14 year, MADE AVAILABLE TO THE PUBLIC IN AN ELECTRONIC NON-PROPRIETARY AND
15 DOWNLOADABLE DATABASE, THAT SHALL INCLUDE BUT NOT BE LIMITED TO:

16 (I) PROJECT DESCRIPTION: (A) NAME AND ADDRESS OF PROJECT APPLICANT,
17 INCLUDING NAMES OF PRINCIPAL OFFICERS, ANY PARENT OR SUBSIDIARY CORPO-
18 RATIONS AND MAJOR SHAREHOLDERS; (B) NAME OF THE SITE CONSULTANTS,
19 PROJECT ARCHITECT, ENGINEER AND CONTRACTORS; (C) PROJECT DESCRIPTION,
20 INCLUDING ADDRESS, BLOCK AND LOT, PROPERTY AND BUILDING SIZE, PROPOSED
21 START AND COMPLETION DATES FOR THE FINANCIAL TRANSACTION, PROJECT GOALS,
22 AND DESCRIPTION OF PROJECT TENANTS; (D) ELECTRONIC LINK TO THE FINAL
23 APPLICATION, THE FINANCIAL ASSISTANCE AGREEMENT, THE COST BENEFIT ANALY-
24 SIS, ENVIRONMENTAL IMPACT ASSESSMENT AND/OR ENVIRONMENTAL IMPACT STATE-
25 MENT, AND WHERE APPLICABLE THE QUARTERLY TARGETED HIRE REPORT; (E)
26 WHETHER PROJECT IS LOCATED IN AN AREA OF HIGH ECONOMIC DISTRESS OR ON A
27 BROWNFIELD OPPORTUNITY AREA; (F) THE AMOUNT, TYPE AND DATE OF CAPITAL
28 INVESTMENT TO BE PROVIDED BY THE RECIPIENT, ORIGINALLY COMMITTED AND TO
29 DATE; (G) AMOUNT, TYPE, AND DATE OF PUBLIC INFRASTRUCTURE INVESTMENTS
30 MADE BY RECIPIENT, ORIGINALLY COMMITTED AND TO DATE; (H) AMOUNT AND TYPE
31 OF AFFORDABLE HOUSING TO BE BUILT, IF ANY, ORIGINALLY COMMITTED AND TO
32 DATE; (I) NAICS CODE FOR PROJECT; (J) THE PUBLIC PURPOSE OF THE PROJECT;
33 (K) AMOUNT AND TYPE OF POINT SOURCE AND NON-POINT SOURCE POLLUTION
34 RESULTING FROM THE PROJECT, IF ANY, ANNUALLY AND TO DATE; (L) AMOUNT AND
35 TYPE OF ENERGY USE AT PROJECT LOCATION, ORIGINALLY BENCHMARKED AND TO
36 DATE; AND (M) AMOUNT OF GREENHOUSE GAS EMISSIONS AT PROJECT LOCATION
37 ORIGINALLY BENCHMARKED AND TO DATE;

38 (II) FINANCIAL ASSISTANCE: (A) CATEGORIZED DESCRIPTION OF THE TOTAL
39 AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY OVER
40 THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT COMMIT-
41 TED DURING THE PRIOR FISCAL YEAR, INCLUDING THE VALUE OF ANY PROPERTY
42 SOLD OR LEASED AT LESS THAN FAIR MARKET VALUE; (B) DESCRIPTION OF THE
43 NET AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY
44 OVER THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT
45 COMMITTED DURING THE PRIOR FISCAL YEAR, AND WHERE APPLICABLE, THE
46 AMOUNT, TYPE, AND DATE OF PILOT PAYMENTS BY TAX JURISDICTION, ORIGINAL
47 AND TO DATE; (C) ATTACHMENT OF THE YEARLY SCHEDULE OF EXEMPTIONS AND
48 OTHER BENEFITS COMMITTED BY THE AUTHORITY FOR EACH YEAR OF THE LIFE OF
49 THE DEAL; (D) AMOUNT OF PUBLIC ASSISTANCE, TOTAL, BY PROGRAM, AND BY
50 TYPE OF FINANCIAL ASSISTANCE, COMMITTED TO THE PROJECT BY ALL OTHER
51 FEDERAL, STATE, COUNTY, AND LOCAL PROGRAMS AS OF THE DATE OF THE
52 EXECUTION OF THE AGREEMENT, AS WELL AS UPDATED FOR THE PRIOR FISCAL
53 YEAR; AND (E) AMOUNT AND TYPE OF INFRASTRUCTURE INVESTMENTS INCURRED BY
54 FEDERAL, STATE, COUNTY, AND LOCAL GOVERNMENTS ON BEHALF OF THE PROJECT.

55 (III) PROJECT CRITERIA: (A) NUMBER AND TYPES OF FULL-TIME AND
56 PART-TIME JOBS EXISTING AT THE PROJECT ON THE DATE THE ORIGINAL AGREE-

1 MENT WAS EXECUTED, AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB
2 CLASSIFICATION; (B) NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS
3 ORIGINALLY COMMITTED, AS PER FINANCIAL ASSISTANCE AGREEMENT, AND MEDIAN
4 ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION; (C) NUMBER OF FULL
5 TIME AND PART TIME JOBS RETAINED TO DATE; (D) NUMBER OF FULL TIME AND
6 PART TIME TEMPORARY CONSTRUCTION JOBS CREATED BY APPLICANT AND BY
7 PROJECT TENANTS TO DATE; (E) NUMBER OF FULL TIME AND PART TIME NON-CON-
8 STRUCTION JOBS CREATED BY APPLICANT AND BY PROJECT TENANTS TO DATE; (F)
9 MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF FULL TIME
10 AND PART TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED AND
11 RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-CON-
12 STRUCTION JOBS; (H)(1) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE
13 OF NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION
14 EMPLOYEES; (2) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF LOCAL
15 RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN STATISTICAL
16 AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY NOT WITHIN
17 AN MSA OR MISA, IN WHICH THE PROJECT OCCURS, SEPARATED BY CONSTRUCTION
18 AND NON-CONSTRUCTION EMPLOYEES; (I) RECIPIENT USE OF UNION CONSTRUCTION
19 APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVELOPMENT
20 PROGRAM, ORIGINAL AND TO DATE; (J) WHETHER OR NOT THE PROJECT COMPLIED
21 WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY
22 ACT; (K) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (L) WHETHER OR
23 NOT THE PROJECT HAS MET EACH BENCHMARK AND IF NOT, THE FINANCIAL ASSIST-
24 ANCE AMOUNT THE AUTHORITY HAS RECAPTURED DURING THE CURRENT YEAR AND TO
25 DATE; AND (M) WHETHER THE PROJECT HAS A SUBSIDY RECAPTURE PROVISION.

26 (IV) OTHER: (A) WHETHER RECIPIENT, ITS OFFICERS, PRINCIPALS, PARENT
27 COMPANY, SUBSIDIARIES OR MAJOR SHAREHOLDERS HAVE (1) VIOLATED THE
28 PREVAILING WAGE LAW UNDER ARTICLE EIGHT OF THE LABOR LAW OR THE FEDERAL
29 DAVIS-BACON ACT; (2) VIOLATED STATE OR FEDERAL LAWS RELATING TO UNEM-
30 PLOYMENT COMPENSATION, WORKERS' COMPENSATION, OCCUPATIONAL HEALTH AND
31 SAFETY, EMPLOYEE MISCLASSIFICATION, EMPLOYMENT DISABILITY, EMPLOYMENT
32 DISCRIMINATION, OR OTHER LABOR LAWS; (3) VIOLATED STATE OR FEDERAL ENVI-
33 RONMENTAL PROTECTION LAWS; (4) FAILED TO FILE FEDERAL, STATE OR LOCAL
34 TAX RETURNS, ANY TAX LIABILITIES, JUDGMENTS OR LIENS, AND VIOLATIONS OF
35 AGREEMENTS OR LAWS UNDER WHICH A TAX CREDIT, TAX EXEMPTION, LOAN OR
36 GRANT WAS AWARDED BY ANY FEDERAL, STATE OR LOCAL ENTITY; AND (5) DISCLO-
37 SURE OF ANY INVESTIGATIONS STARTED OR PENDING; (B) A DESCRIPTION OF SUCH
38 VIOLATIONS; AND (C) A STATEMENT AS TO WHETHER THE USE OF THE FINANCIAL
39 ASSISTANCE DURING THE PREVIOUS FISCAL YEAR HAS REDUCED EMPLOYMENT AT ANY
40 OTHER SITE CONTROLLED BY THE RECIPIENT CORPORATION OR ITS CORPORATE
41 PARENT, WITHIN OR WITHOUT THE STATE AS A RESULT OF AUTOMATION, MERGER,
42 ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS ACTIVITY.

43 (V) PRIOR PROJECTS. WHERE INFORMATION REQUESTED UNDER THIS SUBDIVISION
44 IS NOT REQUIRED TO BE COLLECTED BECAUSE THE PROJECT WAS APPROVED PRIOR
45 TO THE EFFECTIVE DATE OF TITLE THIRTEEN OF THIS ARTICLE, IT SHALL BE
46 NOTED ACCORDINGLY IN THE REPORT.

47 (VI) DURATION. THE DATABASE SHALL BE FOR THE PERIOD COMMENCING ON THE
48 DATE THAT THE FINANCIAL ASSISTANCE AGREEMENT AND ANY OTHER DOCUMENTS
49 APPLICABLE TO SUCH PROJECT HAVE BEEN EXECUTED THROUGH THE FINAL YEAR
50 THAT SUCH ENTITY RECEIVES ASSISTANCE FOR SUCH PROJECT. AT SUCH POINT,
51 DATA ON RECIPIENTS OF FINANCIAL ASSISTANCE SHALL BE ARCHIVED AND AVAIL-
52 ABLE TO THE PUBLIC; (7) a listing and description AVAILABLE TO THE
53 PUBLIC IN A NON-PROPRIETARY ELECTRONIC DATABASE, in addition to the
54 report required by paragraph a of subdivision three of section twenty-
55 eight hundred ninety-six of this article of all real property of such
56 authority having an estimated fair market value in excess of fifteen

1 thousand dollars that the authority acquires or disposes of THROUGH SALE
2 OR LEASE during such period. The report shall contain the price received
3 or paid by the authority, THE FAIR MARKET VALUE AT THE TIME OF SALE OR
4 LEASE, and the name of the purchaser or seller for all such property
5 sold or bought by the authority during such period; (8) such authority's
6 code of ethics; (9) an assessment of the effectiveness of its internal
7 control structure and procedures; (10) a copy of the legislation that
8 forms the statutory basis of the authority; (11) a description of the
9 authority and its board structure, including (i) names of committees and
10 committee members, (ii) lists of board meetings and attendance, (iii)
11 descriptions of major authority units, subsidiaries, [and] (iv) number
12 of employees, AND (V) ORGANIZATIONAL CHART; (12) its charter, if any,
13 and by-laws; (13) a listing of material changes in operations and
14 programs during the reporting year; (14) at a minimum a four-year finan-
15 cial plan, including (i) a current and projected capital budget, and
16 (ii) an operating budget report, including an actual versus estimated
17 budget, with an analysis and measurement of financial and operating
18 performance; (15) its board performance evaluations, INCLUDING ATTEND-
19 ANCE AND VOTING RECORDS BY EACH BOARD MEMBER; [provided, however, that
20 such evaluations shall not be subject to disclosure under article six of
21 the public officers law;] (16) a description of the total amounts of
22 assets, services or both assets and services bought or sold without
23 competitive bidding, including (i) the nature of those assets and
24 services, (ii) the names of the counterparties, and (iii) where the
25 contract price for assets purchased exceeds fair market value, or where
26 the contract price for assets sold is less than fair market value, a
27 detailed explanation of the justification for making the purchase or
28 sale without competitive bidding, and a certification by the chief exec-
29 utive officer and chief financial officer of the public authority that
30 they have reviewed the terms of such purchase or sale and determined
31 that it complies with applicable law and procurement guidelines; and
32 (17) a description of any material pending litigation in which the
33 authority is involved as a party during the reporting year, except that
34 no hospital need disclose information about pending malpractice claims
35 beyond the existence of such claims.

36 (a) Every local authority, continued or created by this chapter or any
37 other chapter of the laws of the state of New York shall submit to the
38 chief executive officer, the chief fiscal officer, the chairperson of
39 the legislative body of the local government or local governments and
40 the authorities budget office, within ninety days after the end of its
41 fiscal year, a complete and detailed report or reports setting forth:
42 (1) its operations and accomplishments; (2) its financial reports,
43 including (i) audited financials in accordance with all applicable regu-
44 lations and following generally accepted accounting principles as
45 defined in subdivision ten of section two of the state finance law, (ii)
46 grants and subsidy programs, (iii) operating and financial risks, (iv)
47 current ratings if any, of its bonds issued by recognized municipal bond
48 rating agencies and notice of changes in such ratings, and (v) long-term
49 liabilities, including leases and employee benefit plans; (3) its
50 mission statement and measurements including its most recent measurement
51 report; (4) a schedule of its bonds and notes outstanding at the end of
52 its fiscal year, together with a statement of the amounts redeemed and
53 incurred during such fiscal year as part of a schedule of debt issuance
54 that includes the date of issuance, term, amount, interest rate and
55 means of repayment. Additionally, the debt schedule shall also include
56 all refinancings, calls, refundings, defeasements and interest rate

1 exchange or other such agreements, and for any debt issued during the
2 reporting year, the schedule shall also include a detailed list of costs
3 of issuance for such debt; (5) a compensation schedule in addition to
4 the report described in section twenty-eight hundred six of this title
5 that shall include, by position, title and name of the person holding
6 such position or title, the salary, compensation, allowance and/or bene-
7 fits provided to any officer, director or employee in a decision making
8 or managerial position of such authority whose salary is in excess of
9 one hundred thousand dollars; (5-a) biographical information, not
10 including confidential personal information, for all directors and offi-
11 cers and employees for whom salary reporting is required under subpara-
12 graph five of this paragraph; (6) the projects undertaken by such
13 authority during the past year, MADE AVAILABLE TO THE PUBLIC IN AN ELEC-
14 TRONIC NON-PROPRIETARY AND DOWNLOADABLE DATABASE, THAT SHALL INCLUDE BUT
15 NOT BE LIMITED TO: (I) PROJECT DESCRIPTION: (A) NAME AND ADDRESS OF
16 PROJECT APPLICANT, INCLUDING NAMES OF PRINCIPAL OFFICERS, ANY PARENT OR
17 SUBSIDIARY CORPORATIONS AND MAJOR SHAREHOLDERS; (B) NAME OF THE SITE
18 CONSULTANTS, PROJECT ARCHITECT, ENGINEER AND CONTRACTORS; (C) PROJECT
19 DESCRIPTION, INCLUDING ADDRESS, BLOCK AND LOT, PROPERTY AND BUILDING
20 SIZE, PROPOSED START AND COMPLETION DATES FOR THE FINANCIAL TRANSACTION,
21 PROJECT GOALS, AND DESCRIPTION OF PROJECT TENANTS; (D) ELECTRONIC LINK
22 TO THE FINAL APPLICATION, THE FINANCIAL ASSISTANCE AGREEMENT, THE COST
23 BENEFIT ANALYSIS, ENVIRONMENTAL IMPACT ASSESSMENT AND/OR ENVIRONMENTAL
24 IMPACT STATEMENT, AND WHERE APPLICABLE THE QUARTERLY TARGETED HIRE
25 REPORT; (E) WHETHER PROJECT IS LOCATED IN AN AREA OF HIGH ECONOMIC
26 DISTRESS OR ON A BROWNFIELD OPPORTUNITY AREA; (F) THE AMOUNT, TYPE AND
27 DATE OF CAPITAL INVESTMENT TO BE PROVIDED BY THE RECIPIENT, ORIGINALLY
28 COMMITTED AND TO DATE; (G) AMOUNT, TYPE, AND DATE OF PUBLIC INFRASTRUC-
29 TURE INVESTMENTS MADE BY RECIPIENT, ORIGINALLY COMMITTED AND TO DATE;
30 (H) AMOUNT AND TYPE OF AFFORDABLE HOUSING TO BE BUILT, IF ANY,
31 ORIGINALLY COMMITTED AND TO DATE; (I) NAICS CODE FOR PROJECT; (J) THE
32 PUBLIC PURPOSE OF THE PROJECT; (K) AMOUNT AND TYPE OF POINT SOURCE AND
33 NON-POINT SOURCE POLLUTION RESULTING FROM THE PROJECT, IF ANY, ANNUALLY
34 AND TO DATE; (L) AMOUNT AND TYPE OF ENERGY USE AT PROJECT LOCATION,
35 ORIGINALLY BENCHMARKED AND TO DATE; AND (M) AMOUNT OF GREENHOUSE GAS
36 EMISSIONS AT PROJECT LOCATION ORIGINALLY BENCHMARKED AND TO DATE.

37 (II) FINANCIAL ASSISTANCE: (A) CATEGORIZED DESCRIPTION OF THE TOTAL
38 AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY OVER
39 THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT COMMIT-
40 TED DURING THE PRIOR FISCAL YEAR, INCLUDING THE VALUE OF ANY PROPERTY
41 SOLD OR LEASED AT LESS THAN FAIR MARKET VALUE; (B) DESCRIPTION OF THE
42 NET AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY
43 OVER THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT
44 COMMITTED DURING THE PRIOR FISCAL YEAR, AND WHERE APPLICABLE, THE
45 AMOUNT, TYPE, AND DATE OF PILOT PAYMENTS BY TAX JURISDICTION, ORIGINAL
46 AND TO DATE; (C) ATTACHMENT OF THE YEARLY SCHEDULE OF EXEMPTIONS AND
47 OTHER BENEFITS COMMITTED BY THE AUTHORITY FOR EACH YEAR OF THE LIFE OF
48 THE DEAL; (D) AMOUNT OF PUBLIC ASSISTANCE, TOTAL, BY PROGRAM, AND BY
49 TYPE OF FINANCIAL ASSISTANCE, COMMITTED TO THE PROJECT BY ALL OTHER
50 FEDERAL, STATE, COUNTY, AND LOCAL PROGRAMS AS OF THE DATE OF THE
51 EXECUTION OF THE AGREEMENT, AS WELL AS UPDATED FOR THE PRIOR FISCAL
52 YEAR; AND (E) AMOUNT AND TYPE OF INFRASTRUCTURE INVESTMENTS INCURRED BY
53 FEDERAL, STATE, COUNTY, AND LOCAL GOVERNMENTS ON BEHALF OF PROJECT.

54 (III) PROJECT CRITERIA, WHERE APPLICABLE: (A) NUMBER AND TYPES OF
55 FULL-TIME AND PART-TIME JOBS EXISTING AT THE PROJECT ON THE DATE THE
56 ORIGINAL AGREEMENT WAS EXECUTED, AND MEDIAN ANNUAL WAGE AND BENEFIT

1 LEVELS BY JOB CLASSIFICATION; (B) NUMBER AND TYPES OF FULL-TIME AND
2 PART-TIME JOBS ORIGINALLY COMMITTED, AS PER FINANCIAL ASSISTANCE AGREE-
3 MENT, AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION;
4 (C) NUMBER OF FULL TIME AND PART TIME JOBS RETAINED TO DATE; (D) NUMBER
5 OF FULL TIME AND PART TIME CONSTRUCTION JOBS CREATED BY APPLICANT AND BY
6 PROJECT TENANTS TO DATE; (E) NUMBER OF FULL TIME AND PART TIME NON-CON-
7 STRUCTION JOBS CREATED BY APPLICANT AND BY PROJECT TENANTS TO DATE; (F)
8 MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF FULL TIME
9 AND PART TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED AND
10 RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-CON-
11 STRUCTION JOBS; (H) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF
12 NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION
13 EMPLOYEES; (I) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF LOCAL
14 RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN STATISTICAL
15 AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY NOT WITHIN
16 AN MSA OR MISA, IN WHICH THE PROJECT OCCURS, SEPARATED BY CONSTRUCTION
17 AND NON-CONSTRUCTION EMPLOYEES; (J) RECIPIENT USE OF UNION CONSTRUCTION
18 APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVELOPMENT
19 PROGRAM, ORIGINAL AND TO DATE; (K) WHETHER OR NOT THE PROJECT COMPLIED
20 WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY
21 ACT; (L) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (M) WHETHER OR
22 NOT THE PROJECT HAS MET EACH BENCHMARK AND IF NOT, THE FINANCIAL ASSIST-
23 ANCE AMOUNT THE AUTHORITY HAS RECAPTURED DURING THE CURRENT YEAR AND TO
24 DATE; (N) WHETHER THE PROJECT HAS A SUBSIDY RECAPTURE PROVISION.

25 (IV) OTHER: (A) WHETHER RECIPIENT, ITS OFFICERS, PRINCIPALS, PARENT
26 COMPANY, SUBSIDIARIES OR MAJOR SHAREHOLDERS HAVE (1) VIOLATED THE
27 PREVAILING WAGE LAW UNDER ARTICLE EIGHT OF THE LABOR LAW OR THE FEDERAL
28 DAVIS-BACON ACT; (2) VIOLATED STATE OR FEDERAL LAWS RELATING TO UNEM-
29 PLOYMENT COMPENSATION, WORKERS' COMPENSATION, OCCUPATIONAL HEALTH AND
30 SAFETY, EMPLOYEE MISCLASSIFICATION, EMPLOYMENT DISABILITY, EMPLOYMENT
31 DISCRIMINATION, OR OTHER LABOR LAWS; (3) VIOLATED STATE OR FEDERAL ENVI-
32 RONMENTAL PROTECTION LAWS; (4) FAILED TO FILE FEDERAL, STATE OR LOCAL
33 TAX RETURNS, ANY TAX LIABILITIES, JUDGMENTS OR LIENS, AND VIOLATIONS OF
34 AGREEMENTS OR LAWS UNDER WHICH A TAX CREDIT, TAX EXEMPTION, LOAN OR
35 GRANT WAS AWARDED BY ANY FEDERAL, STATE OR LOCAL ENTITY; AND (5) DISCLO-
36 SURE OF ANY INVESTIGATIONS STARTED OR PENDING; (B) A DESCRIPTION OF SUCH
37 VIOLATIONS; AND (C) A STATEMENT AS TO WHETHER THE USE OF THE FINANCIAL
38 ASSISTANCE DURING THE PREVIOUS FISCAL YEAR HAS REDUCED EMPLOYMENT AT ANY
39 OTHER SITE CONTROLLED BY THE RECIPIENT CORPORATION OR ITS CORPORATE
40 PARENT, WITHIN OR WITHOUT THE STATE AS A RESULT OF AUTOMATION, MERGER,
41 ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS ACTIVITY.

42 (V) PRIOR PROJECTS. WHERE INFORMATION REQUESTED UNDER SUBDIVISION TWO
43 OF THIS SECTION IS NOT REQUIRED TO BE COLLECTED BECAUSE THE PROJECT WAS
44 APPROVED PRIOR TO THE ADOPTION OF THIS LAW, IT SHALL BE NOTED ACCORDING-
45 LY IN THE REPORT.

46 (VI) THE DATABASE SHALL BE FOR THE PERIOD COMMENCING ON THE DATE THAT
47 THE FINANCIAL ASSISTANCE AGREEMENT AND ANY OTHER DOCUMENTS APPLICABLE TO
48 SUCH PROJECT HAVE BEEN EXECUTED THROUGH THE FINAL YEAR THAT SUCH ENTITY
49 RECEIVES ASSISTANCE FOR SUCH PROJECT. AT SUCH POINT, DATA ON RECIPIENTS
50 OF FINANCIAL ASSISTANCE SHALL BE ARCHIVED AND AVAILABLE TO THE PUBLIC;
51 (7) a listing and description AVAILABLE TO THE PUBLIC IN A NON-PROPRIE-
52 TARY ELECTRONIC DATABASE, in addition to the report required by para-
53 graph a of subdivision three of section twenty-eight hundred ninety-six
54 of this article of all real property of such authority having an esti-
55 mated fair market value in excess of fifteen thousand dollars that the
56 authority acquires or disposes of THROUGH SALE OR LEASE during such

1 period. The report shall contain the price received or paid by the
2 authority, THE FAIR MARKET VALUE AT THE TIME OF SALE OR LEASE, and the
3 name of the purchaser or seller for all such property sold or bought by
4 the authority during such period; (8) such authority's code of ethics;
5 (9) an assessment of the effectiveness of its internal control structure
6 and procedures; (10) a copy of the legislation that forms the statutory
7 basis of the authority; (11) a description of the authority and its
8 board structure, including (i) names of committees and committee
9 members, (ii) lists of board meetings and attendance, (iii) descriptions
10 of major authority units, subsidiaries, (iv) number of employees, and
11 (v) organizational chart; (12) its charter, if any, and by-laws; (13) a
12 listing of material changes in operations and programs during the
13 reporting year; (14) at a minimum a four-year financial plan, including
14 (i) a current and projected capital budget, and (ii) an operating budget
15 report, including an actual versus estimated budget, with an analysis
16 and measurement of financial and operating performance; (15) its board
17 performance evaluations [provided, however, that such evaluations shall
18 not be subject to disclosure under article six of the public officers
19 law], INCLUDING ATTENDANCE, VOTING RECORDS BY EACH BOARD MEMBER, AND
20 CATEGORIZATION OF EACH BOARD MEMBER ACCORDING TO SECTION TWENTY-NINE
21 HUNDRED NINETY-SIX OF THIS ARTICLE; (16) a description of the total
22 amounts of assets, services or both assets and services bought or sold
23 without competitive bidding, including (i) the nature of those assets
24 and services, (ii) the names of the counterparties, and (iii) where the
25 contract price for assets purchased exceeds fair market value, or where
26 the contract price for assets sold is less than fair market value, a
27 detailed explanation of the justification for making the purchase or
28 sale without competitive bidding, and a certification by the chief exec-
29 utive officer and chief financial officer of the public authority that
30 they have reviewed the terms of such purchase or sale and determined
31 that it complies with applicable law and procurement guidelines; and
32 (17) a description of any material pending litigation in which the
33 authority is involved as a party during the reporting year, except that
34 no provider of medical services need disclose information about pending
35 malpractice claims beyond the existence of such claims.

36 S 6. Subdivision 1 of section 2800 of the public authorities law is
37 amended by adding a new paragraph (d) to read as follows:

38 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR
39 CONFLICTING WITH ANY LAW OR OBLIGATION THAT REQUIRES HIGHER STANDARDS
40 FOR ANNUAL REPORTING BY A STATE PUBLIC AUTHORITY.

41 S 7. Subdivision 2 of section 2800 of the public authorities law is
42 amended by adding two new paragraphs (c) and (d) to read as follows:

43 (C) THE AUTHORITIES BUDGET OFFICE SHALL MAKE ACCESSIBLE TO THE PUBLIC,
44 VIA ITS OFFICIAL OR SHARED INTERNET WEB SITE, DOCUMENTATION PERTAINING
45 TO EACH AUTHORITY'S MISSION, CURRENT ACTIVITIES, MOST RECENT ANNUAL
46 FINANCIAL REPORTS, CURRENT YEAR BUDGET AND ITS MOST RECENT INDEPENDENT
47 AUDIT REPORT UNLESS SUCH INFORMATION IS COVERED BY SUBDIVISION TWO OF
48 SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW.

49 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR
50 CONFLICTING WITH ANY LAW OR OBLIGATION THAT REQUIRES HIGHER STANDARDS
51 FOR ANNUAL REPORTING BY A LOCAL PUBLIC AUTHORITY.

52 S 8. This act shall take effect on the ninetieth day after it shall
53 have become a law, provided, however, that effective immediately, the
54 addition, amendment and/or repeal of any rule or regulation necessary
55 for the implementation of this act on its effective date is authorized
56 to be made and completed on or before such date.