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

4925

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BUTLER -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general municipal law and the state finance law, in relation to empire zone skills development

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

Section 1. The general municipal law is amended by adding a new section 961-a to read as follows:

S 961-A. SKILLS DEVELOPMENT PLAN. 1. ANY ENTITY APPLYING FOR CERTIFICATION AS A QUALIFIED EMPIRE ZONE ENTERPRISE SHALL INCLUDE IN ITS APPLICATION A WORKFORCE SKILLS DEVELOPMENT PLAN. ADDITIONALLY, QUALIFIED EMPIRE ZONE ENTERPRISES SHALL INCLUDE IN THEIR ANNUAL REPORT OF CERTIFIED BUSINESSES, REQUIRED BY THE COMMISSIONER, A WORKFORCE SKILLS DEVELOPMENT PLAN. SUCH PLAN SHALL INCLUDE THE ENTERPRISE'S IN-HOUSE TRAINING PROGRAM PLANS, TRAINING MATERIALS TO BE PURCHASED AND UTILIZED, TESTING MECHANISMS TO BE IMPLEMENTED, SKILLS BENCHMARKS THE ENTERPRISE WILL MEET, AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER. HOWEVER, IN THE EVENT THAT THE ENTERPRISE DOES NOT ELECT TO PROVIDE IN-HOUSE TRAINING, IT MUST PROVIDE MONEYS TO THE SKILLS DEVELOPMENT TRAINING FUND ESTABLISHED IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW. THE AMOUNT OF MONEYS SHALL BE DETERMINED BY THE COMMISSIONER AFTER HIS OR HER EVALUATION OF SUCH ENTERPRISE.

2. THE COMMISSIONER, IMMEDIATELY UPON THIS SECTION BECOMING LAW, SHALL PROMULGATE RULES AND REGULATIONS DEEMED NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SPECIFYING INFORMATION TO BE INCLUDED IN THE SKILLS PLAN, CREATING A PROCESS FOR EVALUATING SKILLS DEVELOPMENT PLANS, CREATING PENALTIES FOR NOT MEETING PLAN GOALS, AND CREATING MECHANISMS THROUGH WHICH COMPANIES CAN UPDATE THEIR PLANS. ALSO, SUCH RULES AND REGULATIONS SHALL CREATE A PROCESS THROUGH WHICH BUSINESSES WHO OPT NOT TO PROVIDE A SKILLS PLAN MUST CONTRIBUTE TO THE SKILLS DEVELOPMENT

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

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TRAINING FUND, DEFINE APPROPRIATE LOCAL ENTITIES TO CARRY OUT SKILLS TRAINING, WHICH MUST INCLUDE, AT A MINIMUM, THE LOCAL ECONOMIC DEVELOPMENT AGENCIES AND THE LOCAL WORKFORCE DEVELOPMENT BOARD, PROVIDE FOR THE FUNDING OF SUCH LOCAL ENTITIES AND CREATE GUIDELINES FOR THE USE OF SUCH FUNDS.

S 2. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. SKILLS DEVELOPMENT TRAINING FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "SKILLS DEVELOPMENT TRAINING FUND".

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT, PURSUANT TO THE PROVISIONS OF SECTION NINE HUNDRED SIXTY-ONE-A OF THE GENERAL MUNICIPAL LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONIES COLLECTED AND DEPOSITED INTO SUCH FUND PURSUANT TO SECTION NINE HUNDRED SIXTY-ONE-A OF THE GENERAL MUNICIPAL LAW DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMPTROLLER. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO SUCH FUND ACCORDING TO LAW.

3. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE AND CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED IN SUCH FUND DURING THE PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTION NINE HUNDRED SIXTY-ONE-A OF THE GENERAL MUNICIPAL LAW.

4. MONEYS IN SUCH FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER.

5. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES OF WORKFORCE SKILLS DEVELOPMENT AUTHORIZED BY SECTION NINE HUNDRED SIXTY-ONE-A OF THE GENERAL MUNICIPAL LAW.

6. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.