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

1773--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. KRUEGER, PERKINS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to enacting the online revenues and expenditures transparency act

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

Section 1. The executive law is amended by adding a new section 183 to read as follows:

S 183. ONLINE REVENUES AND EXPENDITURES TRANSPARENCY ACT. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "SEARCHABLE BUDGET DATABASE WEBSITE" SHALL MEAN A WEBSITE THAT ALLOWS THE PUBLIC AT NO COST TO SEARCH FOR, OBTAIN, AND AGGREGATE THE INFORMATION IDENTIFIED IN THIS SECTION.

(B) "ENTITY AND/OR RECIPIENTS" SHALL MEAN ANY CORPORATION, ASSOCIATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, OR ANY OTHER LEGAL BUSINESS ENTITY. IT SHALL ALSO INCLUDE ANY GRANTEE OR SUBGRANTEE, CONTRACTOR OR SUBCONTRACTOR, COUNTY, CITY OR OTHER LOCAL GOVERNMENT ENTITY. IT SHALL NOT INCLUDE ANY INDIVIDUAL RECIPIENT OF STATE ASSISTANCE.

(C) "AGENCY" SHALL MEAN ANY STATE DEPARTMENT, OFFICE, BOARD, COMMISSION, BUREAU, DIVISION, INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION. "AGENCY" SPECIFICALLY INCLUDES ANY AUTHORITY CREATED BY AN ACT OF THE STATE LEGISLATURE, INCLUDING THOSE AUTHORITIES NOT RECEIVING STATE TAX REVENUE. THIS INCLUDES INDIVIDUAL STATE AGENCIES AND PROGRAMS, AS WELL AS THOSE PROGRAMS AND ACTIVITIES THAT CROSS AGENCY LINES, AND ALSO INCLUDES ALL ELECTIVE OFFICES IN THE EXECUTIVE BRANCH OF GOVERNMENT AND THE LEGISLATURE.

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

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(D) "FUNDING SOURCE" SHALL MEAN THE STATE ACCOUNT FROM WHICH THE EXPENDITURE IS APPROPRIATED.

(E) "FUNDING ACTION OR EXPENDITURE" SHALL INCLUDE DETAILS ON THE TYPE OF SPENDING, BOTH APPROPRIATED EXPENDITURES, SUCH AS GRANTS, CONTRACTS, AND APPROPRIATIONS, AND TAX EXPENDITURES, AS DEFINED BY SECTION ONE HUNDRED EIGHTY-ONE OF THIS ARTICLE. WHERE POSSIBLE, A HYPERLINK TO THE ACTUAL GRANTS OR CONTRACTS SHALL BE PROVIDED.

(F) "EXPECTED OUTCOME" SHALL INCLUDE, IN RELATION TO CORPORATE SUBSIDIES INCLUDING TAX EXEMPTIONS, CREDITS, DIRECT GRANTS, OR INFRASTRUCTURE ASSISTANCE, THE NUMBER AND QUALITY OF JOBS TO BE CREATED OR RETAINED, INCLUDING WAGES AND BENEFITS, THE DATE THE JOB GOALS WILL BE REACHED, THE ESTIMATED INCREASE TO THE STATE TAX BASE, AND WHETHER THE FUNDED PROJECT INVOLVES THE RELOCATION OF JOBS AND IF SO HOW MANY AND FROM WHERE.

(G) "FINAL OUTCOME" SHALL INCLUDE, IN RELATION TO CORPORATE SUBSIDIES, INCLUDING TAX EXEMPTIONS, CREDITS, DIRECT GRANTS, OR INFRASTRUCTURE ASSISTANCE, THE NUMBER AND QUALITY OF JOBS ACTUALLY CREATED OR RETAINED, INCLUDING WAGES AND BENEFITS, AND THE ACTUAL INCREASE TO THE STATE TAX BASE FOR THE FISCAL YEAR IN WHICH BENEFIT WAS GIVEN. THE OUTCOMES ACHIEVED SHALL ALSO INCLUDE ANY MONEY RECAPTURED FROM CORPORATE SUBSIDY RECIPIENTS FOR FAILURE TO MEET EXPECTED PERFORMANCE OUTCOMES.

(H) "STATE AUDIT OR REPORT" SHALL INCLUDE ANY AUDIT OR REPORT ISSUED BY THE COMPTROLLER, ATTORNEY GENERAL, AGENCY, LEGISLATIVE AUDITOR, LEGISLATIVE COMMITTEE, OR EXECUTIVE BODY RELATING TO THE PAST OR CURRENT PERFORMANCE OF THE ENTITY OR RECIPIENT OF FUNDS OR THE BUDGET PROGRAM/ACTIVITY OR AGENCY WHICH THE DIRECTOR OF THE BUDGET DEEMS AS RELEVANT.

2. NO LATER THAN JANUARY FIRST, TWO THOUSAND SIXTEEN, THE DIRECTOR OF THE OFFICE FOR TECHNOLOGY, IN COLLABORATION WITH THE DIRECTOR OF THE BUDGET, SHALL DEVELOP A SINGLE, SEARCHABLE BUDGET DATABASE WEBSITE ACCESSIBLE BY THE PUBLIC AT NO COST, THAT INCLUDES:

(A) ANNUAL STATE EXPENDITURES OR FUNDING ACTIONS PROVIDED TO ANY ENTITY, RECIPIENT OR AGENCY, AS DETERMINED BY THE DIRECTOR OF THE BUDGET INCLUDING THE NAME AND LOCATION OF ANY SUCH ENTITY, RECIPIENT OR AGENCY, THE FUNDING SOURCE, THE AMOUNT OF FUNDS APPROPRIATED INCLUDING TAX EXPENDITURES OR OTHER SUBSIDIES, THE FUNDING AGENCY OR AUTHORITY, AND A DESCRIPTION OF THE PURPOSE OF THE FUNDING ACTION OR EXPENDITURE. IF THE FUNDING ACTION OR EXPENDITURE IS A TAX EXPENDITURE, INFORMATION ABOUT THE EXPECTED OUTCOME OF SUCH TAX EXPENDITURE SHALL BE INCLUDED AND INFORMATION CONCERNING THE FINAL OUTCOME SHALL BE PROVIDED WITHIN THIRTY DAYS FROM WHEN IT IS REPORTED TO THE APPROPRIATE STATE AGENCY;

(B) BOND DEBT PAYMENTS AND DEBT SERVICE INCLUDING, BUT NOT LIMITED TO, AMOUNTS OF BOND INTEREST PAID AND SOURCES OF FUNDS PAID FOR INDIVIDUAL BOND ISSUES;

(C) LOCAL AID TO CITIES AND TOWNS INCLUDING, BUT NOT LIMITED TO, AMOUNTS PAID TO INDIVIDUAL UNITS OF GOVERNMENT FOR INDIVIDUALLY IDENTIFIABLE AID PROGRAMS;

(D) ANNUAL REVENUES, AS DETERMINED BY THE DIRECTOR OF THE BUDGET WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) RECEIPTS OR DEPOSITS BY ANY AGENCY INTO FUNDS ESTABLISHED WITHIN THE STATE TREASURY;

(II) TAX REVENUE RECEIVED;

(III) AGENCY EARNINGS INCLUDING, BUT NOT LIMITED TO, AMOUNTS COLLECTED BY EACH AGENCY FOR MERCHANDISE SOLD, SERVICES PERFORMED, LICENSES AND PERMITS ISSUED, OR REGULATION;

(IV) REVENUE FOR THE USE OF MONEY AND PROPERTY INCLUDING, BUT NOT LIMITED TO, AMOUNTS RECEIVED FOR COMPENSATION FOR THE USE OF STATE-OWNED MONEY AND PROPERTY;

(V) GIFTS, DONATIONS AND FEDERAL GRANTS INCLUDING, BUT NOT LIMITED TO, AMOUNTS RECEIVED FROM PUBLIC AND PRIVATE ENTITIES TO AID IN SUPPORT OF A SPECIFIC FUNCTION OR OTHER GOVERNMENTAL ACTIVITY; AND

(VI) OTHER REVENUE INCLUDING, BUT NOT LIMITED TO, RECEIPTS NOT CLASSIFIED ELSEWHERE.

(E) ANNUAL BONDED INDEBTEDNESS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE AMOUNT OF THE TOTAL ORIGINAL OBLIGATION STATED IN TERMS OF PRINCIPAL AND INTEREST, THE TERM OF THE OBLIGATION, THE SOURCE OF FUNDING FOR REPAYMENT OF THE OBLIGATION, THE AMOUNTS OF PRINCIPAL AND INTEREST PREVIOUSLY PAID TO REDUCE THE OBLIGATION, THE BALANCE REMAINING OF THE OBLIGATION, ANY REFINANCING OF THE OBLIGATION, AND THE CITED STATUTORY AUTHORITY TO ISSUE SUCH BONDS.

(F) A LINK TO ANY STATE AUDIT OR REPORT.

(G) ANY OTHER RELEVANT INFORMATION SPECIFIED BY THE DIRECTOR OF THE BUDGET.

3. NO LATER THAN FEBRUARY FIRST, TWO THOUSAND SIXTEEN, THE DIRECTOR OF THE BUDGET SHALL PUT INTO OPERATION THE SEARCHABLE BUDGET DATABASE WEBSITE.

4. THE SEARCHABLE BUDGET DATABASE WEBSITE SHALL RETAIN INFORMATION FOR EACH FISCAL YEAR ON THE SINGLE WEBSITE FOR NOT LESS THAN TEN YEARS AND SHALL INCLUDE DATA FOR THE MOST RECENT FISCAL YEARS.

5. THE DIRECTOR OF THE BUDGET SHALL UPDATE THE SEARCHABLE BUDGET DATABASE WEBSITE AS NEW DATA BECOMES AVAILABLE TO HIM OR HER. ALL AGENCIES SHALL PROVIDE TO THE DIRECTOR OF THE BUDGET ALL DATA THAT IS REQUIRED TO BE INCLUDED IN THE SEARCHABLE BUDGET DATABASE WEBSITE NOT LATER THAN THIRTY DAYS AFTER THE DATA BECOMES AVAILABLE TO THE AGENCY. THE DIRECTOR OF THE BUDGET SHALL PROVIDE GUIDANCE TO AGENCY HEADS TO ENSURE COMPLIANCE WITH THIS SECTION.

6. NOTHING IN THIS SECTION SHALL PERMIT OR REQUIRE THE LISTING OF INDIVIDUAL BUSINESSES' TAX LIABILITY, PROFITS, SALES OR LOSSES.

7. THE DIRECTOR OF THE BUDGET AND THE DIRECTOR OF THE OFFICE FOR TECHNOLOGY SHALL NOT BE CONSIDERED IN COMPLIANCE WITH THIS SECTION IF THE DATA REQUIRED FOR THE SEARCHABLE BUDGET DATABASE WEBSITE IS NOT AVAILABLE IN A SEARCHABLE AND AGGREGATE MANNER OR IF THE PUBLIC IS REDIRECTED BY THE SEARCHABLE BUDGET DATABASE WEBSITE TO OTHER GOVERNMENT WEBSITES, UNLESS EACH OF THOSE WEBSITES COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.