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

S. 5494--A A. 7517--A

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

May 14, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Small Business -- recommitted to the Committee on Small Business in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York state urban development corporation act, in relation to the regional revolving loan program

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

Section 1. Section 16-a of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new subdivision 3-a to read as follows:

(3-A) NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, WHERE APPLICABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID, RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE REGIONAL CORPORATIONS AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION THREE OF THIS ACT. OUTSTANDING EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT OR CONTRACTS.

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

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S 2. Subdivision 20 of section 16-a of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by chapter 524 of the laws of 2005, is amended to read as follows:

(20) Reporting. (A) THE LENDING ORGANIZATION SHALL SUBMIT TO THE CORPORATION ANNUAL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROWER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOMIC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN, INCLUDING FUND BALANCE; AND SUCH OTHER INFORMATION AS THE CORPORATION MAY REQUIRE.

(B) The corporation shall, on or before October 1, 1988 and on or before each October first thereafter, submit a report to the governor and the legislature on the operations and accomplishments of the regional revolving loan program. Such report shall include a summary of the information contained in the reports submitted pursuant to subdivision sixteen of this section and of the results of the audits performed by the corporation pursuant to subdivision nineteen of this section, and shall set forth the status of the regional revolving loan program for the previous fiscal year, including grants to the regional corporations, earnings and account balances as reported to the corporation. The report to be submitted on October 1, 2005 and on or before each October first thereafter shall be consolidated with the annual program report of the corporation required under the provisions of subdivision (b) of section thirty of this act, as amended.

(C) BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS REQUIRED UNDER PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

S 3. Subdivision 2 of section 16-c of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new paragraph (i) to read as follows:

(I) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBDIVISION, WHERE APPLICABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID, RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH UNDER THIS SUBDIVISION, TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE BUSINESSES AS DEFINED IN SUBDIVISIONS THREE AND FIVE OF SECTION TWO HUNDRED TEN OF THE ECONOMIC DEVELOPMENT LAW. OUTSTANDING EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT OR CONTRACTS.

(I) THE LENDING ORGANIZATION SHALL SUBMIT TO THE CORPORATION ANNUAL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROWER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOMIC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN, INCLUDING FUND BALANCE; AND SUCH OTHER INFORMATION AS THE CORPORATION MAY REQUIRE.

(II) BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

S 4. Subdivision 3 of section 16-c of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, is amended by adding two new paragraphs (d) and (e) to read as follows:

(D) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBDIVISION, WHERE APPLICABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID, RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH UNDER THIS SUBDIVISION, TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE BUSINESSES AS DEFINED IN SUBDIVISIONS THREE AND FIVE OF SECTION TWO HUNDRED TEN OF THE ECONOMIC DEVELOPMENT LAW. OUTSTANDING EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT OR CONTRACTS.

(E)(I) THE LENDING ORGANIZATION SHALL SUBMIT TO THE CORPORATION ANNUAL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROWER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOMIC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN, INCLUDING FUND BALANCE; AND SUCH OTHER INFORMATION AS THE CORPORATION MAY REQUIRE.

(II) BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

S 5. Subdivision 8 of section 16-d of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding two new paragraphs (g-1) and (k-1) to read as follows:

(G-1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBDIVISION, WHERE APPLICABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID, RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH IN THIS SECTION, TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE ENTITIES AS DESIGNATED UNDER THIS SUBDIVISION. OUTSTANDING EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT OR CONTRACTS.

(K-1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBDIVISION, WHERE APPLICABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID, RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND RESTRICTIONS SET FORTH IN THIS SECTION, TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE ENTITIES AS DESIGNATED UNDER THIS SUBDIVISION. OUTSTANDING EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT OR CONTRACTS.

S 6. Subdivision 14 of section 16-d of section 1 of chapter 174 of the laws of 1968, constituting the New York State urban development corporation act, is amended by adding a new paragraph (c) to read as follows:

(C) (I) THE LENDING ORGANIZATION SHALL SUBMIT TO THE CORPORATION ANNUAL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROWER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOMIC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN,

INCLUDING FUND BALANCE; AND SUCH OTHER INFORMATION AS THE CORPORATION MAY REQUIRE.

(II) BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS REQUIRED UNDER THIS PARAGRAPH AND PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION.

S 7. Subdivision 14 of section 16-t of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 1 of part II of chapter 59 of the laws of 2013, is amended and a new subdivision 14-a is added to read as follows:

14. The lending organization shall submit to the corporation annual reports stating: the number of program loans made; the amount of program funding used for loans; the use of loan proceeds by the borrower; the number of jobs created or retained; a description of the economic development generated; the status of each outstanding program loan, INCLUDING FUND BALANCE; and such other information as the corporation may require.

14-A. BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS REQUIRED UNDER SUBDIVISION FOURTEEN OF THIS SECTION.

S 8. This act shall take effect immediately.