

9380

I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. HUNTER -- read once and referred to the Committee
on Governmental Operations

AN ACT to amend the executive law, in relation to directing agencies
that provide grants and tax expenditures for the purpose of economic
development to make comprehensive information on such grants and tax
expenditures accessible to the public on a searchable website

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "online economic development grants and tax expenditures transparen-
3 cy act".
4 S 2. The executive law is amended by adding a new section 184 to read
5 as follows:
6 S 184. ONLINE ECONOMIC DEVELOPMENT GRANTS AND TAX EXPENDITURES TRANS-
7 PARENCY. 1. AS USED IN THIS SECTION:
8 (A) "SEARCHABLE ECONOMIC DEVELOPMENT GRANTS AND TAX EXPENDITURES DATA-
9 BASE WEBSITE" SHALL MEAN A WEBSITE THAT ALLOWS THE PUBLIC AT NO COST TO
10 SEARCH FOR, OBTAIN, AND AGGREGATE THE INFORMATION IDENTIFIED IN THIS
11 SECTION, WHICH INCLUDES GRANTS AND TAX EXPENDITURES FOR THE PURPOSE OF
12 ECONOMIC DEVELOPMENT.
13 (B) "ENTITY AND/OR RECIPIENTS" SHALL MEAN ANY CORPORATION, ASSOCI-
14 ATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, OR ANY
15 OTHER LEGAL BUSINESS ENTITY WHO RECEIVES AN ECONOMIC DEVELOPMENT GRANT
16 OR TAX EXPENDITURE FOR THE PURPOSE OF ECONOMIC DEVELOPMENT FROM THE
17 EMPIRE STATE DEVELOPMENT CORPORATION, THE DEPARTMENT OF ECONOMIC DEVEL-
18 OPMENT OR ANY OTHER STATE ENTITY. IT SHALL ALSO INCLUDE ANY ECONOMIC
19 DEVELOPMENT GRANTEE OR SUB-GRANTEE, TAX EXPENDITURE BENEFICIARY OR TAX
20 EXPENDITURE SUB-BENEFICIARY, CONTRACTOR OR SUBCONTRACTOR, COUNTY, CITY
21 OR OTHER LOCAL GOVERNMENT ENTITY.
22 (C) "AGENCY" SHALL MEAN ANY STATE DEPARTMENT, OFFICE, BOARD, COMMIS-
23 SION, BUREAU, DIVISION, INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION.
24 "AGENCY" SPECIFICALLY INCLUDES ANY AUTHORITY CREATED BY AN ACT OF THE
25 STATE LEGISLATURE, INCLUDING THOSE AUTHORITIES NOT RECEIVING STATE TAX
26 REVENUE. THIS INCLUDES INDIVIDUAL STATE AGENCIES AND PROGRAMS, AS WELL

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

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1 AS THOSE PROGRAMS AND ACTIVITIES THAT CROSS AGENCY LINES, AND ALSO
2 INCLUDES ALL ELECTIVE OFFICES IN THE EXECUTIVE BRANCH OF GOVERNMENT AND
3 THE LEGISLATURE.

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

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

12 (F) "EXPECTED OUTCOME" SHALL INCLUDE, IN RELATION TO CORPORATE SUBSI-
13 DIES FOR THE PURPOSE OF ECONOMIC DEVELOPMENT, INCLUDING TAX EXEMPTIONS,
14 CREDITS, DIRECT GRANTS, OR INFRASTRUCTURE ASSISTANCE, THE NUMBER AND
15 QUALITY OF JOBS TO BE CREATED OR RETAINED, INCLUDING WAGES AND BENEFITS,
16 THE DATE THE JOB GOALS WILL BE REACHED, THE ESTIMATED INCREASE TO THE
17 STATE TAX BASE, AND WHETHER THE FUNDED PROJECT INVOLVES THE RELOCATION
18 OF JOBS AND IF SO HOW MANY AND FROM WHERE.

19 (G) "FINAL OUTCOME" SHALL INCLUDE, IN RELATION TO CORPORATE SUBSIDIES
20 FOR THE PURPOSE OF ECONOMIC DEVELOPMENT, INCLUDING TAX EXEMPTIONS, CRED-
21 ITS, DIRECT GRANTS, OR INFRASTRUCTURE ASSISTANCE, THE NUMBER AND QUALITY
22 OF JOBS ACTUALLY CREATED OR RETAINED, INCLUDING WAGES AND BENEFITS, AND
23 THE ACTUAL INCREASE TO THE STATE TAX BASE FOR THE FISCAL YEAR IN WHICH
24 BENEFIT WAS GIVEN. THE OUTCOMES ACHIEVED SHALL ALSO INCLUDE ANY MONEY
25 RECAPTURED FROM CORPORATE SUBSIDY RECIPIENTS FOR FAILURE TO MEET
26 EXPECTED PERFORMANCE OUTCOMES.

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

33 2. NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE DIRECTOR
34 OF THE OFFICE FOR TECHNOLOGY, IN COLLABORATION WITH THE DIRECTOR OF THE
35 BUDGET, SHALL DEVELOP A SINGLE, SEARCHABLE ECONOMIC DEVELOPMENT GRANTS
36 AND TAX EXPENDITURES DATABASE WEBSITE ACCESSIBLE BY THE PUBLIC AT NO
37 COST, THAT INCLUDES:

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

49 (B) BOND DEBT PAYMENTS AND DEBT SERVICE FOR THE PURPOSE OF ECONOMIC
50 DEVELOPMENT INCLUDING, BUT NOT LIMITED TO, AMOUNTS OF BOND INTEREST PAID
51 AND SOURCES OF FUNDS PAID FOR INDIVIDUAL BOND ISSUES;

52 (C) LOCAL ECONOMIC DEVELOPMENT AID TO CITIES AND TOWNS INCLUDING, BUT
53 NOT LIMITED TO, AMOUNTS PAID TO INDIVIDUAL UNITS OF GOVERNMENT FOR INDI-
54 VIDUALLY IDENTIFIABLE AID PROGRAMS;

55 (D) ANNUAL BONDED INDEBTEDNESS FOR THE PURPOSE OF ECONOMIC DEVELOPMENT
56 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE AMOUNT OF THE TOTAL

1 ORIGINAL OBLIGATION STATED IN TERMS OF PRINCIPAL AND INTEREST, THE TERM
2 OF THE OBLIGATION, THE SOURCE OF FUNDING FOR REPAYMENT OF THE OBLI-
3 GATION, THE AMOUNTS OF PRINCIPAL AND INTEREST PREVIOUSLY PAID TO REDUCE
4 THE OBLIGATION, THE BALANCE REMAINING OF THE OBLIGATION, ANY REFINANCING
5 OF THE OBLIGATION, AND THE CITED STATUTORY AUTHORITY TO ISSUE SUCH
6 BONDS;

7 (E) A LINK TO ANY STATE AUDIT OR REPORT; AND

8 (F) ANY OTHER RELEVANT INFORMATION SPECIFIED BY THE DIRECTOR OF THE
9 BUDGET.

10 3. NO LATER THAN FEBRUARY FIRST, TWO THOUSAND SEVENTEEN, THE DIRECTOR
11 OF THE BUDGET SHALL PUT INTO OPERATION THE SEARCHABLE ECONOMIC DEVELOP-
12 MENT GRANTS AND TAX EXPENDITURES DATABASE WEBSITE.

13 4. THE SEARCHABLE ECONOMIC DEVELOPMENT GRANTS AND TAX EXPENDITURES
14 DATABASE WEBSITE SHALL RETAIN INFORMATION FOR EACH FISCAL YEAR ON THE
15 SINGLE WEBSITE FOR NOT LESS THAN TEN YEARS AND SHALL INCLUDE DATA FOR AT
16 LEAST THE MOST RECENT FIFTEEN FISCAL YEARS.

17 5. THE DIRECTOR OF THE BUDGET SHALL UPDATE THE SEARCHABLE ECONOMIC
18 DEVELOPMENT GRANTS AND TAX EXPENDITURES DATABASE WEBSITE AS NEW DATA
19 BECOMES AVAILABLE TO HIM OR HER. ALL AGENCIES SHALL PROVIDE TO THE
20 DIRECTOR OF THE BUDGET ALL DATA THAT IS REQUIRED TO BE INCLUDED IN THE
21 SEARCHABLE ECONOMIC DEVELOPMENT GRANTS AND TAX EXPENDITURES DATABASE
22 WEBSITE NOT LATER THAN THIRTY DAYS AFTER THE DATA BECOMES AVAILABLE TO
23 THE AGENCY. THE DIRECTOR OF THE BUDGET SHALL PROVIDE GUIDANCE TO AGENCY
24 HEADS TO ENSURE COMPLIANCE WITH THIS SECTION.

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

27 7. THE DIRECTOR OF THE BUDGET AND THE DIRECTOR OF THE OFFICE FOR TECH-
28 NOLOGY SHALL NOT BE CONSIDERED IN COMPLIANCE WITH THIS SECTION IF THE
29 DATA REQUIRED FOR THE SEARCHABLE ECONOMIC DEVELOPMENT GRANTS AND TAX
30 EXPENDITURES DATABASE WEBSITE IS NOT AVAILABLE IN A SEARCHABLE AND
31 AGGREGATE MANNER OR IF THE PUBLIC IS REDIRECTED BY THE SEARCHABLE
32 ECONOMIC DEVELOPMENT GRANTS AND TAX EXPENDITURES DATABASE WEBSITE TO
33 OTHER GOVERNMENT WEBSITES, UNLESS EACH OF THOSE WEBSITES COMPLIES WITH
34 THE REQUIREMENTS OF THIS SECTION.

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