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

2651

2015-2016 Regular Sessions

I N S E N A T E

January 27, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law and the state finance law, in relation to certain requirements for and restrictions on economic development grant recipients

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

Section 1. This act shall be known and may be cited as the "jobs protection act".

S 2. Subdivision 19 of section 100 of the economic development law is amended by adding a new paragraph (c) to read as follows:

(C) TO ADOPT REGULATIONS IN ACCORDANCE WITH SECTION ELEVEN-A OF THE STATE FINANCE LAW, TO ESTABLISH THE TERMS AND CONDITIONS OF REPAYMENT, INCLUDING SPECIFYING THE CONDITIONS UNDER WHICH REPAYMENT MAY BE DEFERRED, FOLLOWING A DETERMINATION BY THE COMMISSION OF A LEGITIMATE HARDSHIP.

S 3. The state finance law is amended by adding a new section 11-a to read as follows:

S 11-A. REQUIREMENTS FOR ECONOMIC DEVELOPMENT GRANT RECIPIENTS. 1. ANY PERSON OR BUSINESS ORGANIZATION THAT RECEIVES AN AWARD OR GRANT THROUGH ANY ECONOMIC DEVELOPMENT PROGRAM, WHERE SUCH AWARD OR GRANT ALSO REQUIRES THE CREATION OF JOBS, SHALL NOT REDUCE THE NUMBER OF EMPLOYEES WHO WERE EMPLOYED WITHIN THE STATE AT THE TIME SUCH PERSON OR BUSINESS ORGANIZATION ACCEPTED THE FINANCIAL ASSISTANCE FOR FIVE YEARS AFTER RECEIVING SUCH ASSISTANCE OR DURING THE TERM OF THE AWARD OR GRANT, WHICHEVER IS LONGER, UNLESS THE FULL AMOUNT OF ASSISTANCE IS REPAID TO THE STATE AND A PENALTY EQUAL TO FIVE PERCENT OF THE TOTAL ASSISTANCE RECEIVED IS PAID TO THE STATE. AS USED IN THIS SECTION, THE TERM "BUSINESS" SHALL INCLUDE ANY DIVISION OF A BUSINESS OR SUBSIDIARY INSTITUTION CONTROLLED, DIRECTLY OR INDIRECTLY, BY ANOTHER INSTITUTION.

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

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2. THE COMMISSIONER OF ECONOMIC DEVELOPMENT SHALL CONSULT WITH THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO DETERMINE WHETHER AN APPLICANT FOR AN ECONOMIC DEVELOPMENT GRANT HAS BEEN FOUND TO BE IN VIOLATION OF ANY LAWS, RULES OR REGULATIONS OF THE DEPARTMENT.

3. NO APPLICANT SHALL BE AWARDED AN ECONOMIC DEVELOPMENT GRANT IF SUCH APPLICANT HAS BEEN FINED MORE THAN TEN THOUSAND DOLLARS, IN THE AGGREGATE, FOR VIOLATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION WITHIN THE TEN YEARS PRECEDING THE TIME OF APPLICATION.

4. APPLICANTS FOR ECONOMIC DEVELOPMENT GRANTS SHALL PROVIDE THE FOLLOWING INFORMATION IN CONNECTION WITH ANY APPLICATION: (A) NUMBER AND TYPES OF FULL-TIME AND PART-TIME EMPLOYEES OF THE APPLICANT AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION; (B) IF APPLICABLE, THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS ORIGINALLY COMMITTED, AS PER AGREEMENT WITH AWARD REQUIREMENTS, AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION; (C) NUMBER OF FULL-TIME AND PART-TIME JOBS RETAINED TO DATE; (D) NUMBER OF FULL-TIME AND PART-TIME TEMPORARY CONSTRUCTION JOBS CREATED BY APPLICANT TO DATE; (E) NUMBER OF FULL-TIME AND PART-TIME NON-CONSTRUCTION JOBS CREATED BY APPLICANT TO DATE; (F) MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF FULL-TIME AND PART-TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED AND RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-CONSTRUCTION JOBS; (H)(1) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION EMPLOYEES; (2) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF LOCAL RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN STATISTICAL AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY NOT WITHIN AN MSA OR MISA, IN WHICH A PROJECT OCCURS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION EMPLOYEES; (I) RECIPIENT USE OF UNION CONSTRUCTION APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVELOPMENT PROGRAM, ORIGINAL AND TO DATE; (J) WHETHER OR NOT THE APPLICANT COMPLIED WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT; (K) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (L) WHETHER OR NOT THE APPLICANT HAS MET EACH BENCHMARK AND IF NOT, THE FINANCIAL ASSISTANCE AMOUNT THE STATE HAS RECAPTURED DURING THE CURRENT YEAR AND TO DATE; AND (M) WHETHER THE APPLICATION HAS A SUBSIDY RECAPTURE PROVISION.

S 4. This act shall take effect immediately.