

2838

2015-2016 Regular Sessions

I N   S E N A T E

January 29, 2015

---

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the "just and open business subsidies act (JOBS act) of 2015", in relation to the reporting and collection of information, evaluation criteria, subsidy recapture, and restrictions on the funding of public financial assistance for private economic development

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

1     Section 1. Legislative findings. The legislature finds that the state  
2 and local governments of New York play an important role in facilitating  
3 private economic development. Public financial assistance for economic  
4 development should prioritize performance, encourage job creation for  
5 all New Yorkers, and have money back guarantees. Empire State Develop-  
6 ment (ESD) manages statewide economic development programs through as  
7 many as 202 subsidiaries, each with its own board and staff. In addi-  
8 tion, there are approximately 20 state agencies performing economic  
9 development functions. At the local level, there are 114 Industrial  
10 Development Agencies (IDAs), over 500 local development corporations, 82  
11 Empire Zone Boards, 114 Business Improvement Districts, 49 Urban Renewal  
12 and Community Development Agencies, and 10 Regional Economic Development  
13 Councils, all engaging in economic development activity. These entities,  
14 providing discretionary and as of right financial assistance, spend over  
15 \$7 billion in state and local tax revenue and appropriations.

16     The legislature further finds that this system of economic development  
17 is balkanized, opaque, often unaccountable, and has few performance  
18 criteria on which to judge success or failure. This legislation is  
19 intended to improve these important tools for economic development by  
20 streamlining applications and reporting, strengthening accountability  
21 mechanisms, and encouraging quality job creation for all New Yorkers.

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

LBD00535-01-5

1 The legislature further finds that the International Economic Develop-  
2 ment Council (IEDC), the nation's largest professional association of  
3 economic development officials, released findings from a survey of its  
4 4,500 members in February, 2013, in which 98.6 percent said "incentives  
5 should be structured in such a way that the community receives a tangi-  
6 ble return on investment (e.g., employment, capital investment)." In  
7 addition, "96 percent believe that part or all of the granted incentives  
8 should be returned if a company does not meet agreed-upon projections."  
9 These findings show that there is significant support, even within the  
10 economic development profession, for comprehensive reform.

11 The legislature further finds that the economic recovery from the  
12 Great Recession has not reached all parts of New York. Unemployment and  
13 poverty are significant problems throughout the state. For example, the  
14 most recent census data shows that the Kingston Metropolitan Statistical  
15 Area has an unemployment rate of 10.4% and a poverty rate of 14.7%.

16 The Ogdensburg-Massena Micropolitan Statistical Area has an unemploy-  
17 ment rate of 10.8% and a poverty rate of 18.1%, Sullivan County has an  
18 unemployment rate of 12.2% and a poverty rate of 18.5%. Meanwhile other  
19 regions of New York and its neighboring states of Connecticut, Massachu-  
20 setts, New Jersey, Pennsylvania and Vermont all have lower poverty and  
21 unemployment rates than the aforementioned regions of New York. The  
22 average unemployment rate of those six states is 9.4% and the average  
23 poverty rate is 12.4%. New York has a significant interest in reducing  
24 poverty and unemployment for its residents by ensuring that when public  
25 money is used to finance economic development, a portion of the jobs  
26 created are offered to residents of regions with high unemployment or  
27 poverty.

28 S 2. This act shall be known and may be cited as the "just and open  
29 business subsidies act (JOBS act) of 2015".

30 S 3. Section 2 of the public authorities law is amended by adding  
31 seven new subdivisions 7, 8, 9, 10, 11, 12 and 13 to read as follows:

32 7. "FINANCIAL ASSISTANCE" SHALL MEAN: (A) ANY EXPENDITURE OF PUBLIC  
33 FUNDS FOR THE PURPOSE OF STIMULATING ECONOMIC DEVELOPMENT WITHIN THE  
34 STATE, INCLUDING, BUT NOT LIMITED TO, CASH PAYMENTS OR GRANTS, BOND  
35 FINANCING, TAX ABATEMENTS OR EXEMPTIONS (INCLUDING, BUT NOT LIMITED TO,  
36 ABATEMENTS OR EXEMPTIONS FROM REAL PROPERTY, MORTGAGE RECORDING, SALES  
37 AND USE TAXES, OR THE DIFFERENCE BETWEEN ANY PAYMENTS IN LIEU OF TAXES  
38 AND THE AMOUNT OF REAL PROPERTY OR OTHER TAXES THAT WOULD HAVE BEEN DUE  
39 IF THE PROPERTY WERE NOT EXEMPTED FROM SUCH TAXES), TAX INCREMENT  
40 FINANCING, FILING FEE WAIVERS, ENERGY COST REDUCTIONS, ENVIRONMENTAL  
41 REMEDIATION COSTS, WRITE-DOWNS IN THE MARKET VALUE OF BUILDINGS OR LAND,  
42 OR THE COST OF CAPITAL IMPROVEMENTS RELATED TO REAL PROPERTY FOR WHICH  
43 THE STATE WOULD NOT PAY ABSENT THE DEVELOPMENT PROJECT, AND INCLUDES  
44 BOTH DISCRETIONARY AND AS OF RIGHT ASSISTANCE, AND (B) ALL SUCCESSOR AND  
45 SUBSEQUENT EXPENDITURES OF PUBLIC FUNDS FOR THE PURPOSE OF STIMULATING  
46 ECONOMIC DEVELOPMENT WITHIN THE STATE. IN DETERMINING THE VALUE OF  
47 ASSISTANCE PROVIDED, THE FULL VALUE OF ALL CITY, STATE AND FEDERAL  
48 ASSISTANCE RECEIVED IN CONNECTION WITH THE PROJECT SHALL BE INCLUDED.

49 8. "RECIPIENT" SHALL MEAN ANY PERSON, INDIVIDUAL, PROPRIETORSHIP,  
50 PARTNERSHIP, JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY,  
51 TRUST, ASSOCIATION, ORGANIZATION OR OTHER ENTITY THAT RECEIVES FINANCIAL  
52 ASSISTANCE, OR ANY ASSIGNEE OR SUCCESSOR IN INTEREST OF REAL PROPERTY  
53 IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE.

54 9. "INFRASTRUCTURE" SHALL MEAN ANY SUBSTRUCTURE OR UNDERLYING FOUNDA-  
55 TION OR NETWORK USED FOR PROVIDING GOODS AND SERVICES; ESPECIALLY THE  
56 BASIC INSTALLATIONS AND FACILITIES ON WHICH THE CONTINUANCE AND GROWTH

1 OF A COMMUNITY, STATE, ETC., DEPEND. EXAMPLES INCLUDE ROADS, WATER  
2 SYSTEMS, COMMUNICATIONS FACILITIES, SEWERS, SIDEWALKS, CABLE, WIRING,  
3 SCHOOLS, POWER PLANTS, AND TRANSPORTATION AND COMMUNICATION SYSTEMS.

4 10. "COVERED EMPLOYER" SHALL MEAN: (A) A FINANCIAL ASSISTANCE RECIPI-  
5 ENT; (B) A TENANT, SUB-TENANT, LEASEHOLDER OR SUBLEASEHOLDER WHO OCCU-  
6 PIES REAL PROPERTY THAT IS IMPROVED OR DEVELOPED WITH FINANCIAL ASSIST-  
7 ANCE; (C) FEE HOLDERS OR OTHER CONDOMINIUM OWNERS OF ANY PORTION OF REAL  
8 PROPERTY IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE WHO PURCHASED  
9 THE PROPERTY FROM A PRIOR OWNER OR WERE ASSIGNED THE PROPERTY THROUGH  
10 FORECLOSURE OR OTHER MEANS; OR (D) ANY PERSON OR ENTITY THAT CONTRACTS  
11 OR SUBCONTRACTS WITH A FINANCIAL ASSISTANCE RECIPIENT TO PERFORM WORK  
12 FOR A PERIOD OF MORE THAN THIRTY DAYS ON THE PREMISES OF THE FINANCIAL  
13 ASSISTANCE RECIPIENT OR ON THE PREMISES OF REAL PROPERTY IMPROVED OR  
14 DEVELOPED WITH FINANCIAL ASSISTANCE, INCLUDING BUT NOT LIMITED TO TEMPO-  
15 RARY SERVICES OR STAFFING AGENCIES, FOOD SERVICE CONTRACTORS, AND OTHER  
16 ON-SITE SERVICE CONTRACTORS.

17 11. "WORKER HOURS" SHALL MEAN THE TOTAL HOURS WORKED EXCLUSIVE OF  
18 HOURS WORKED BY RESIDENTS OF STATES OTHER THAN NEW YORK, WHETHER THE  
19 WORKERS IN QUESTION ARE EMPLOYED BY THE FINANCIAL ASSISTANCE RECIPIENT  
20 OR THE COVERED EMPLOYER.

21 12. "APPRENTICE" SHALL MEAN A WORKER WHO PARTICIPATES IN A FEDERAL OR  
22 STATE APPRENTICESHIP PROGRAM OR, AS AN APPRENTICE EQUIVALENT, PARTIC-  
23 IPATES IN A DEPARTMENT OF LABOR APPROVED TRAINING PROGRAM, TAKES A  
24 CONSTRUCTION APPRENTICESHIP TEST, AND RECEIVES BENEFITS AND PAY NOT LESS  
25 THAN THOSE RECEIVED BY AN APPRENTICE.

26 13. "APPRENTICESHIP PROGRAM" SHALL MEAN AN APPRENTICESHIP PROGRAM THAT  
27 HAS BEEN APPROVED BY THE DEPARTMENT OF LABOR FOR NOT LESS THAN THREE  
28 YEARS AND HAS GRADUATED AT LEAST ONE APPRENTICE IN THE LAST THREE YEARS  
29 AND HAS AT LEAST ONE APPRENTICE CURRENTLY ENROLLED IN SUCH APPRENTICE-  
30 SHIP TRAINING PROGRAM. IN ADDITION, IT MUST BE DEMONSTRATED THAT THE  
31 PROGRAM HAS MADE SIGNIFICANT EFFORTS TO ATTRACT AND RETAIN MINORITY  
32 APPRENTICES, AS DETERMINED BY AFFIRMATIVE ACTION GOALS ESTABLISHED FOR  
33 SUCH PROGRAM BY THE DEPARTMENT OF LABOR.

34 S 4. Article 9 of the public authorities law is amended by adding a  
35 new title 13 to read as follows:

36 TITLE 13

37 JUST AND OPEN BUSINESS SUBSIDIES ACT (JOBS ACT)

38 SECTION 2990. STANDARD APPLICATIONS FOR FINANCIAL ASSISTANCE.

39 2991. FINANCIAL ASSISTANCE AGREEMENTS.

40 2992. PUBLIC REVIEW.

41 2993. SUBSIDY RECAPTURE.

42 2994. UNIFIED ECONOMIC DEVELOPMENT BUDGET.

43 2995. RESTRICTIONS ON FUNDS OF LOCAL AND STATE AUTHORITIES.

44 2996. DESIGNATED BOARD REPRESENTATION.

45 2997. TARGETED HIRE.

46 2998. PAYMENTS IN LIEU OF TAXES.

47 S 2990. STANDARD APPLICATIONS FOR FINANCIAL ASSISTANCE. 1. ALL APPLI-  
48 CATIONS SUBMITTED TO STATE AUTHORITIES, LOCAL AUTHORITIES, OR ANY OTHER  
49 STATE GRANTING BODY REQUESTING FINANCIAL ASSISTANCE SHALL BE SUBMITTED  
50 THROUGH A CONSOLIDATED FUNDING APPLICATION. THE CONSOLIDATED FUNDING  
51 APPLICATION SHALL BE DEVELOPED BY THE AUTHORITIES BUDGET OFFICE, IN  
52 COLLABORATION WITH RELEVANT GRANTING BODIES. THE CONSOLIDATED FUNDING  
53 APPLICATION SHALL CONTAIN, AT A MINIMUM, ALL INFORMATION NECESSARY TO  
54 FULFILL REPORTING REQUIREMENTS UNDER SUBPARAGRAPH SIX OF PARAGRAPH (A)  
55 OF SUBDIVISION ONE AND SUBPARAGRAPH SIX OF PARAGRAPH (A) OF SUBDIVISION  
56 TWO OF SECTION TWENTY-EIGHT HUNDRED OF THIS ARTICLE, AND MUST BE CERTI-

1 FIED BY THE PROJECT APPLICANT'S CHIEF EXECUTIVE OFFICER THAT THE APPLI-  
2 CATION IS ACCURATE AND COMPLETE. THE APPLICATION SHALL INCLUDE ALL  
3 INFORMATION NEEDED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT  
4 AUTHORITY TO CALCULATE THE GREENHOUSE GAS EMISSIONS FROM PROPOSED  
5 PROJECTS, INCLUDING BUT NOT LIMITED TO AMOUNT OF ELECTRICITY USAGE AND  
6 TYPE AND AMOUNT OF FUEL USAGE.

7 2. NO STATE AUTHORITY, LOCAL AUTHORITY, OR ANY OTHER STATE GRANTING  
8 BODY SHALL ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT WITH A RECIPIENT  
9 PRIOR TO RECEIVING AND PROCESSING A COMPLETE CONSOLIDATED FUNDING APPLI-  
10 CATION.

11 3. THE STATE AUTHORITY, LOCAL AUTHORITY, STATE GRANTING BODY AND THE  
12 AUTHORITIES BUDGET OFFICE SHALL HAVE THE RIGHT OF ACCESS TO EXAMINE ALL  
13 DOCUMENTS, PAYROLL RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE  
14 AGENCY OR DEPARTMENT TO DETERMINE THE APPLICANT'S CLAIMS ARE ACCURATE.

15 S 2991. FINANCIAL ASSISTANCE AGREEMENTS. THE STATE AUTHORITY, LOCAL  
16 AUTHORITY OR STATE GRANTING BODY SHALL ENTER INTO A FINANCIAL ASSISTANCE  
17 AGREEMENT WITH THE RECIPIENT PRIOR TO PROVIDING SUCH ASSISTANCE. EACH  
18 FINANCIAL ASSISTANCE AGREEMENT SHALL CONTAIN, AT A MINIMUM:

19 1. JOB CREATION AND/OR JOB RETENTION TARGETS AND THE MAINTENANCE OF  
20 SUCH JOB LEVELS FIVE YEARS BEYOND THE END DATE OF THE FINANCIAL ASSIST-  
21 ANCE AGREEMENT;

22 2. AN APPROVED TARGETED HIRING PLAN, WHERE APPLICABLE;

23 3. APPRENTICE TARGET HIRING PLAN, WHERE APPLICABLE;

24 4. INVESTMENT TARGETS;

25 5. DETAILED PLANS FOR COMPLIANCE WITH THE STATE SMART GROWTH PUBLIC  
26 INFRASTRUCTURE POLICY ACT;

27 6. GREENHOUSE GAS EMISSIONS AND ENERGY USE BENCHMARKS;

28 7. ALL INFORMATION NECESSARY TO FULFILL REPORTING REQUIREMENTS UNDER  
29 SUBPARAGRAPH SIX OF PARAGRAPH (A) OF SUBDIVISION ONE AND SUBPARAGRAPH  
30 SIX OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED  
31 OF THIS ARTICLE;

32 8. SUBSIDY RECAPTURE PROVISIONS; AND

33 9. YEARLY AND OVERALL PERFORMANCE BENCHMARKS.

34 S 2992. PUBLIC REVIEW. 1. THE STATE AUTHORITY, LOCAL AUTHORITY, STATE  
35 GRANTING BODY AND THE AUTHORITIES BUDGET OFFICE SHALL HAVE THE RIGHT OF  
36 ACCESS TO THE COVERED EMPLOYER'S PROJECT SITE AND TO EXAMINE ALL DOCU-  
37 MENTS, PAYROLL RECORDS AND OTHER MATERIALS DEEMED NECESSARY BY THE AGEN-  
38 CY OR DEPARTMENT TO DETERMINE THE RECIPIENT IS IN COMPLIANCE WITH  
39 PROVISIONS OF THE FINANCIAL ASSISTANCE AGREEMENT AND THIS ARTICLE. THE  
40 STATE AUTHORITIES AND LOCAL AUTHORITIES SHALL COOPERATE FULLY WITH THE  
41 AUTHORITIES BUDGET OFFICE IN CARRYING OUT ITS DUTIES.

42 2. THE STATE AUTHORITY, LOCAL AUTHORITY, OR STATE GRANTING BODY SHALL  
43 FILE A COPY OF EACH RECIPIENT'S APPLICATION, THE FINANCIAL ASSISTANCE  
44 AGREEMENT AND THE COST BENEFIT ANALYSIS ON ITS WEBSITE, WITH THE GOVERN-  
45 ING BODY OF THE MUNICIPALITY AND WITH THE AUTHORITIES BUDGET OFFICE  
46 WITHIN FIVE DAYS OF THE EXECUTION OF THE AGREEMENT.

47 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A STATE  
48 AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY IN AN AREA WITH ONE  
49 MILLION PERSONS OR MORE SHALL NOT PROVIDE DISCRETIONARY FINANCIAL  
50 ASSISTANCE EXCEEDING A TOTAL OF ONE MILLION DOLLARS IN VALUE WITHOUT THE  
51 APPROVAL OF THE AFFECTED TAXING JURISDICTIONS IN WHICH THE PROJECT WILL  
52 OCCUR. IN ALL OTHER AREAS, A STATE AUTHORITY, LOCAL AUTHORITY OR STATE  
53 GRANTING BODY SHALL NOT PROVIDE DISCRETIONARY FINANCIAL ASSISTANCE  
54 EXCEEDING ONE HUNDRED THOUSAND DOLLARS IN VALUE WITHOUT THE APPROVAL OF  
55 THE AFFECTED TAXING JURISDICTIONS IN WHICH THE PROJECT WILL OCCUR.

1 APPROVAL OF THE AFFECTED TAXING JURISDICTION SHALL CONSIST OF A MAJORITY  
2 VOTE BY THE RELEVANT DECISION MAKING BODY OF THAT JURISDICTION.

3 4. PRIOR TO APPROVING ANY DISCRETIONARY ECONOMIC DEVELOPMENT ASSIST-  
4 ANCE AGREEMENT OVER TWENTY-FIVE THOUSAND DOLLARS, A STATE AUTHORITY,  
5 LOCAL AUTHORITY OR STATE GRANTING BODY SHALL: (A) HOLD A PUBLIC HEARING  
6 ON THE PROVISION OF FINANCIAL ASSISTANCE; AND (B) PROVIDE NOTICE TO THE  
7 PUBLIC THIRTY CALENDAR DAYS PRIOR TO THE PUBLIC HEARING. AT THE TIME OF  
8 NOTICE, THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY  
9 SHALL PROVIDE THE APPLICATION, THE PROPOSED ECONOMIC DEVELOPMENT ASSIST-  
10 ANCE AGREEMENT, AND ANY OTHER MATERIALS RELEVANT TO THE DECISION, SUCH  
11 AS THE COST BENEFIT ANALYSIS, TO THE PUBLIC. THE DOCUMENTS SHALL BE  
12 AVAILABLE ELECTRONICALLY AND THE DOCUMENTS SHALL BE AVAILABLE IN PRINT  
13 UPON REQUEST. THE PUBLIC HEARING SHALL PROVIDE THE PUBLIC REASONABLE  
14 OPPORTUNITY TO COMMENT ON THE PROPOSED FINANCIAL ASSISTANCE AGREEMENT.  
15 THE HEARING SHALL TAKE PLACE NO LESS THAN SEVEN CALENDAR DAYS BEFORE THE  
16 FINAL DECISION. THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING  
17 BODY MUST RESPOND TO PUBLIC COMMENTS SUBMITTED ORALLY OR IN WRITING WITH  
18 OFFICIAL, WRITTEN REPLIES BEFORE SUCH TIME AS THE DECISION IS MADE. ALL  
19 PUBLIC HEARINGS SHALL BE RECORDED VERBATIM AND TRANSCRIPTS AVAILABLE ON  
20 LINE AND TRANSCRIPTS AVAILABLE IN PRINT UPON REQUEST.

21 5. PRIOR TO APPROVING ANY AS OF RIGHT FINANCIAL ASSISTANCE AGREEMENT  
22 OVER TWENTY-FIVE THOUSAND DOLLARS, A STATE AUTHORITY, LOCAL AUTHORITY OR  
23 STATE GRANTING BODY SHALL PROVIDE NOTICE TO THE PUBLIC THIRTY CALENDAR  
24 DAYS PRIOR TO THE APPROVAL OF FINANCIAL ASSISTANCE. AT THE TIME OF  
25 NOTICE, THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY  
26 SHALL PROVIDE THE APPLICATION, THE PROPOSED FINANCIAL ASSISTANCE AGREE-  
27 MENT, AND ANY OTHER MATERIALS RELEVANT TO THE DECISION, SUCH AS THE COST  
28 BENEFIT ANALYSIS, TO THE PUBLIC. THE DOCUMENTS SHALL BE AVAILABLE ELEC-  
29 TRONICALLY AND THE DOCUMENTS SHALL BE AVAILABLE IN PRINT UPON REQUEST.

30 S 2993. SUBSIDY RECAPTURE. 1. ALL FINANCIAL ASSISTANCE AGREEMENTS  
31 SHALL CONTAIN: (A) A SPECIFIC SCHEDULE FOR SUBSIDY RECAPTURE; (B) THE  
32 MEASURABLE YEARLY BENCHMARKS THAT A RECIPIENT MUST MEET IN ORDER TO  
33 AVOID RECAPTURE; AND (C) PROVISIONS FOR RECALIBRATION OR RESCISSION OF  
34 BENEFITS.

35 2. RECAPTURE PROVISIONS, AT A MINIMUM, SHALL BE BASED UPON EACH  
36 REQUIRED COMPONENT OF THE FINANCIAL ASSISTANCE AGREEMENT, AS IDENTIFIED  
37 IN SECTION TWENTY-NINE HUNDRED NINETY-ONE OF THIS TITLE.

38 3. IF THE RECIPIENT FAILS TO FULFILL ANY OBLIGATION UNDER THE FINAN-  
39 CIAL ASSISTANCE AGREEMENT, OR IS FOUND TO HAVE COMMITTED A VIOLATION OF  
40 ANY STATE OR LOCAL LAW, RULE OR REGULATION RELATING TO ENVIRONMENTAL  
41 PROTECTION, TAXATION, FINANCIAL ASSISTANCE, PROTECTION OF WORKERS, OR  
42 MINORITY OR WOMEN-OWNED BUSINESSES BY FINAL JUDGMENT OF A COURT OR  
43 ADMINISTRATIVE TRIBUNAL, THE STATE AUTHORITY OR LOCAL AUTHORITY SHALL  
44 IMMEDIATELY SUSPEND ALL FINANCIAL ASSISTANCE TO THE RECIPIENT AND THE  
45 APPLICABLE RECAPTURE PROVISIONS SET FORTH IN SUBDIVISION ONE OF THIS  
46 SECTION SHALL TAKE EFFECT. (A) THE STATE AUTHORITY OR LOCAL AUTHORITY  
47 SHALL PROMPTLY ISSUE A PRELIMINARY NOTICE OF DEFAULT TO THE RECIPIENT  
48 AND PROVIDE AN OPPORTUNITY TO CURE. THE RECIPIENT CAN CURE THE DEFAULT  
49 EITHER BY PROVIDING EVIDENCE DOCUMENTING THAT THE RECIPIENT IS NOT IN  
50 DEFAULT, OR BY MEETING THE OBLIGATIONS UNDER THE FINANCIAL ASSISTANCE  
51 AGREEMENT WITHIN ONE MONTH OF NOTIFICATION OF DEFAULT. (B) IF THE RECI-  
52 PIENT OF FINANCIAL ASSISTANCE FAILS TO CURE THE DEFAULT WITHIN TWENTY  
53 BUSINESS DAYS OF THE ISSUANCE OF NOTICE, THE STATE AUTHORITY OR LOCAL  
54 AUTHORITY SHALL PROMPTLY ISSUE A FINAL NOTICE OF DEFAULT TO THE RECIPI-  
55 ENT WHO SHALL REMIT REPAYMENT BASED ON THE APPLICABLE RECAPTURE SCHED-  
56 ULE. (C) THE RECIPIENT SHALL REPAY SUCH ASSISTANCE TO THE STATE AUTHORI-

1 TY, LOCAL AUTHORITY, OR STATE GRANTING BODY AT A RATE OF INTEREST EQUAL  
2 TO THE PRIME RATE, PLUS ONE PERCENT AS OF THE DATE OF THE NOTICE. THE  
3 AMOUNT OF REPAYMENT MAY BE PRORATED ACCORDING TO ANY PARTIAL FULFILLMENT  
4 OF THE RECIPIENT'S OBLIGATIONS UNDER THE AGREEMENT, AS IDENTIFIED IN THE  
5 SUBSIDY RECAPTURE SCHEDULE. THE LOCAL AUTHORITY, STATE AUTHORITY OR  
6 STATE GRANTING BODY SHALL REMIT THE RECAPTURED SUBSIDIES TO THE RELEVANT  
7 LOCAL TAXING JURISDICTION. (D) IF A RECIPIENT IS REQUIRED TO REPAY  
8 FINANCIAL ASSISTANCE UNDER THIS SUBDIVISION, THE RECIPIENT AND ANY  
9 SUBSIDIARY, PARENT OR SUCCESSOR OF THE RECIPIENT SHALL BE PROHIBITED  
10 FROM ENTERING INTO A FINANCIAL ASSISTANCE AGREEMENT WITH ANY OTHER STATE  
11 OR LOCAL AUTHORITY OR INSTRUMENTALITY OF THIS STATE UNTIL THE STATE  
12 AUTHORITY OR LOCAL AUTHORITY HAS RECEIVED FULL REPAYMENT OF THE AMOUNT  
13 DUE. (E) WHENEVER THE ATTORNEY GENERAL HAS GOOD REASON TO BELIEVE THAT  
14 THE RECIPIENT'S FAILURE TO FULFILL THE FINANCIAL ASSISTANCE AGREEMENT  
15 INVOLVES THE STATE'S INTEREST, OR THAT THE RECIPIENT HAS COMMITTED A  
16 SUBSTANTIAL VIOLATION OF THE LAWS OF THIS STATE, HE OR SHE MAY COMMENCE  
17 AN ACTION TO RECOVER THE FINANCIAL ASSISTANCE AND FOR SUCH OTHER RELIEF  
18 AS PROVIDED BY LAW.

19 4. THE AUTHORITIES BUDGET OFFICE SHALL ANNUALLY COMPILE A REPORT ON  
20 THE OUTCOMES AND EFFECTIVENESS OF RECAPTURE PROVISIONS BY PROGRAM,  
21 INCLUDING, BUT NOT LIMITED TO: (A) THE TOTAL NUMBER OF COMPANIES THAT  
22 RECEIVE FINANCIAL ASSISTANCE AS DEFINED IN THIS ARTICLE; (B) THE TOTAL  
23 NUMBER OF RECIPIENTS IN VIOLATION OF DEVELOPMENT AGREEMENTS; (C) THE  
24 TOTAL NUMBER OF COMPLETED RECAPTURE EFFORTS; (D) THE TOTAL NUMBER OF  
25 RECAPTURE EFFORTS INITIATED; AND (E) THE TOTAL NUMBER OF WAIVERS GRANT-  
26 ED. SUCH REPORT SHALL BE DISCLOSED CONSISTENT WITH THE PROVISIONS OF  
27 SECTION TWENTY-EIGHT HUNDRED OF THIS ARTICLE.

28 5. THE STATE AUTHORITY, LOCAL AUTHORITY OR STATE GRANTING BODY MAY  
29 ELECT TO WAIVE ENFORCEMENT OF ANY CONTRACTUAL PROVISION ARISING OUT OF  
30 THE FINANCIAL ASSISTANCE AGREEMENT, BASED ON THE FINDING THAT THE WAIVER  
31 IS NECESSARY TO AVERT IMMINENT AND DEMONSTRABLE HARDSHIP TO THE RECIPI-  
32 ENT, ONLY AFTER APPROVAL BY THE AFFECTED TAXING JURISDICTIONS. IF THE  
33 WAIVER IS GRANTED, THE RECIPIENT MUST AGREE TO A CONTRACTUAL MODIFICA-  
34 TION TO THE FINANCIAL ASSISTANCE AGREEMENT THAT INCLUDES RECAPTURE  
35 PROVISIONS.

36 S 2994. UNIFIED ECONOMIC DEVELOPMENT BUDGET. 1. FOR EACH STATE FISCAL  
37 YEAR ENDING ON OR AFTER JUNE THIRTIETH, TWO THOUSAND FIFTEEN, THE  
38 DEPARTMENT OF TAXATION AND FINANCE SHALL SUBMIT AN ANNUAL UNIFIED  
39 ECONOMIC DEVELOPMENT BUDGET TO THE GOVERNOR, SENATE AND ASSEMBLY. THE  
40 UNIFIED ECONOMIC DEVELOPMENT BUDGET SHALL BE DUE WITHIN THREE MONTHS  
41 AFTER THE END OF THE FISCAL YEAR, AND SHALL PRESENT ALL TYPES OF PROJECT  
42 SPECIFIC FINANCIAL ASSISTANCE GRANTED DURING THE PRIOR FISCAL YEAR,  
43 INCLUDING, AT A MINIMUM:

44 (A) THE AMOUNT OF UNCOLLECTED STATE TAX REVENUES RESULTING FROM EVERY  
45 CORPORATE TAX CREDIT, ABATEMENT, EXEMPTION AND REDUCTION PROVIDED BY THE  
46 STATE OR A LOCAL GOVERNMENTAL UNIT INCLUDING BUT NOT LIMITED TO GROSS  
47 RECEIPTS, INCOME, SALES, USE, RAW MATERIALS, EXCISE, PROPERTY, UTILITY,  
48 AND INVENTORY TAXES;

49 (B) THE AMOUNT OF UNCOLLECTED STATE TAX REVENUES RESULTING FROM EVERY  
50 TAX EXEMPT BOND OR LOAN PROVIDED BY THE STATE OR A LOCAL GOVERNMENTAL  
51 UNIT;

52 (C) THE AMOUNT OF FINANCIAL ASSISTANCE PROVIDED FROM EVERY GRANT BY  
53 THE STATE OR A LOCAL GOVERNMENTAL UNIT;

54 (D) ESTIMATES PREPARED BY THE COMMISSIONER OF TAXATION AND FINANCE, IN  
55 CONJUNCTION WITH THE DIRECTOR OF THE BUDGET, OF THE COST OF SUCH FINAN-

1 CIAL ASSISTANCE FOR THE: (I) CURRENT TAXABLE OR CALENDAR YEAR; AND (II)  
2 THE FIVE PRECEDING YEARS;

3 (E) THE NAME OF EACH CORPORATE TAXPAYER WHICH CLAIMED ANY FINANCIAL  
4 ASSISTANCE UNDER PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION OF ANY  
5 VALUE EQUAL TO OR GREATER THAN FIVE THOUSAND DOLLARS, TOGETHER WITH THE  
6 DOLLAR AMOUNT RECEIVED BY EACH SUCH CORPORATION;

7 (F) ANY TAX CREDIT, ABATEMENT, EXEMPTION OR REDUCTION RECEIVED BY A  
8 CORPORATION OF LESS THAN FIVE THOUSAND DOLLARS EACH SHALL NOT BE ITEM-  
9 IZED. THE AGGREGATE DOLLAR AMOUNT OF SUCH EXPENDITURES AND THE NUMBER OF  
10 COMPANIES SO AGGREGATED FOR EACH TAX EXPENDITURE SHALL BE INCLUDED;

11 (G) ALL STATE APPROPRIATED EXPENDITURES FOR ECONOMIC DEVELOPMENT,  
12 INCLUDING EXPENDITURES FOR INFRASTRUCTURE IMPROVEMENTS RELATED TO REAL  
13 PROPERTY FOR WHICH THE STATE WOULD NOT PAY ABSENT THE DEVELOPMENT  
14 PROJECT, AND LINE-ITEM BUDGETS FOR EVERY STATE-FUNDED ENTITY CONCERNED  
15 WITH ECONOMIC DEVELOPMENT;

16 (H) THE PROVISIONS OF LAW AUTHORIZING SUCH TAX EXPENDITURES, THEIR  
17 EFFECTIVE DATES, THE PROGRAM, IF ANY EXISTS, THROUGH WHICH THE FINANCIAL  
18 ASSISTANCE IS GRANTED, THE AGENCIES OR ENTITIES THAT MANAGE THE PROGRAM  
19 AND/OR AUTHORIZE THE FINANCIAL ASSISTANCE, AND, IF APPLICABLE, THE DATES  
20 ON WHICH SUCH FINANCIAL ASSISTANCE EXPIRES OR IS REDUCED;

21 (I) ANY RECOMMENDATIONS OF THE GOVERNOR REGARDING CONTINUING, MODIFY-  
22 ING, OR REPEALING SUCH FINANCIAL ASSISTANCE, AND SUCH OTHER INFORMATION  
23 REGARDING DEVELOPMENT EXPENDITURES AS THE EXECUTIVE MAY FEEL USEFUL AND  
24 APPROPRIATE;

25 (J) IF THE GOVERNOR'S BUDGET INCLUDES PROPOSALS FOR THE EXPIRATION,  
26 MODIFICATION, OR REPEAL OF SUCH FINANCIAL ASSISTANCE OR FOR THE ADDITION  
27 OF FINANCIAL ASSISTANCE IN OR TO SUCH ARTICLES OR SUCH LAW, SUCH REPORT  
28 SHALL ALSO CONTAIN, TO THE EXTENT RELIABLE DATA ARE AVAILABLE, AN ANALY-  
29 SIS OF THE NUMBER AND TYPES OF PERSONS AND ENTITIES BENEFITING OR  
30 EXPECTED TO BENEFIT FROM SUCH FINANCIAL ASSISTANCE, AN ESTIMATE OF THE  
31 COSTS OF SUCH FINANCIAL ASSISTANCE FOR THE COMING FISCAL YEAR, AND AN  
32 EXPLANATION OF THE REASONS FOR THE PROPOSALS;

33 (K) GENERAL CAUTIONARY AND ADVISORY NOTES CONCERNING LIMITATIONS OF  
34 DATA, ESTIMATION PROCEDURES, SAMPLING ERRORS AND IMPUTED VALUES, PROMI-  
35 NENTLY DISPLAYED.

36 S 2995. RESTRICTIONS ON FUNDS OF LOCAL AND STATE AUTHORITIES. 1. NO  
37 FINANCIAL ASSISTANCE OF THE STATE AUTHORITY OR LOCAL AUTHORITY SHALL BE  
38 USED IN RESPECT OF ANY PROJECT IF THE COMPLETION THEREOF WOULD RESULT IN  
39 THE REMOVAL OF ALL OR ANY PART OF A FACILITY OR PLANT OF THE PROJECT  
40 OCCUPANT FROM ONE AREA OF THE STATE TO ANOTHER AREA OF THE STATE OR IN  
41 THE ABANDONMENT OF ALL OR ANY PART OF ONE OR MORE PLANTS OR FACILITIES  
42 OF THE PROJECT OCCUPANT LOCATED WITHIN THE STATE, OR IN THE LOSS OF  
43 EMPLOYMENT IN THE LABOR MARKET AREA FROM WHICH THE RELOCATION OCCURS,  
44 PROVIDED, HOWEVER, THAT NEITHER RESTRICTION SHALL APPLY IF (A) THE PRIOR  
45 CONSENT OF THE AFFECTED TAXING JURISDICTIONS FROM WHICH ALL OR ANY PART  
46 OF A FACILITY OR PLANT OF THE PROJECT OCCUPANT WILL BE REMOVED OR ABAN-  
47 DONED IS PROVIDED IN WRITING AND (B) THE AUTHORITY SHALL DETERMINE ON  
48 THE BASIS OF CLEAR AND CONVINCING EVIDENCE THAT THE PROJECT IS REASON-  
49 ABLY NECESSARY TO DISCOURAGE THE PROJECT OCCUPANT FROM REMOVING SUCH  
50 OTHER PLANT OR FACILITY TO A LOCATION OUTSIDE THE STATE OR IS REASONABLY  
51 NECESSARY TO PRESERVE THE COMPETITIVE POSITION OF THE PROJECT OCCUPANT  
52 IN ITS RESPECTIVE INDUSTRY.

53 2. UPON A COMPLAINT BY A LOCAL OR STATE ELECTED OFFICIAL THAT FINAN-  
54 CIAL ASSISTANCE OF AN AUTHORITY HAS RESULTED IN THE ABANDONMENT OR  
55 REMOVAL BY A PROJECT OCCUPANT OF ALL OR ANY PART OF ONE OR MORE PLANTS  
56 OR FACILITIES IN SUCH MUNICIPALITY, THE AUTHORITIES BUDGET OFFICE OR A

DESIGNEE SHALL INVESTIGATE SUCH ALLEGATION AND MAY SCHEDULE A PUBLIC HEARING ON THE MATTER. IF THE AUTHORITIES BUDGET OFFICE DETERMINES THAT THE COMPLAINT IS VALID, THE AUTHORITY THAT PROVIDED THE FINANCIAL ASSISTANCE SHALL RECAPTURE THE ASSISTANCE FROM THE PROJECT APPLICANT, AND PAY TO THE MUNICIPALITY AN AMOUNT EQUAL TO THE PORTION OF TAX OR TAXES THAT THE PROJECT APPLICANT SAVED OR AVOIDED DUE TO ITS RELOCATION AND THE AUTHORITY IS SUSPENDED FROM NEGOTIATING ANY FINANCIAL ASSISTANCE AGREEMENTS FOR ONE YEAR.

3. NO FINANCIAL ASSISTANCE OF THE STATE OR LOCAL AUTHORITY SHALL BE USED TO ASSIST IN THE RELOCATION OF ALL OR ANY PART OF A PLANT, FACILITY OR OPERATION FROM ONE LOCATION IN THE STATE WITH EXISTING INFRASTRUCTURE TO ANOTHER LOCATION IN THE STATE WITH NO EXISTING INFRASTRUCTURE.

S 2996. DESIGNATED BOARD REPRESENTATION. EXCEPT AS OTHERWISE PROVIDED BY SPECIAL ACT OF THE LEGISLATURE, A STATE AUTHORITY OR LOCAL AUTHORITY SHALL CONSIST OF NOT LESS THAN THREE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNING BODY OF EACH MUNICIPALITY AND WHO SHALL SERVE FOR A TERM OF FOUR YEARS. EACH BOARD SHALL BE REPRESENTATIVE OF LOCAL BUSINESSES, ORGANIZED LABOR, COMMUNITY ORGANIZATIONS, ENVIRONMENTAL ORGANIZATIONS, WORKFORCE DEVELOPMENT ORGANIZATIONS, FINANCIAL INSTITUTIONS, LOCAL EDUCATIONAL INSTITUTIONS AND RESIDENTS OF THE AREA. A MEMBER SHALL CONTINUE TO HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND HAS QUALIFIED. THE GOVERNING BODY OF EACH MUNICIPALITY SHALL DESIGNATE THE FIRST CHAIRPERSON AND FILE WITH THE SECRETARY OF STATE A CERTIFICATE OF APPOINTMENT OR REAPPOINTMENT OF ANY MEMBER. SUCH MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO THE NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN THE DISCHARGE OF THEIR DUTIES. MEMBERS MUST NOT BE OR HAVE, WITHIN THE PAST FIVE YEARS, BEEN:

1. AN EMPLOYEE OR AN OWNER OF A FIRM THAT IS A PAID ADVISOR OR CONSULTANT OF THE AUTHORITY, INCLUDING A PRESENT OR FORMER INDEPENDENT AUDITOR OF THE AUTHORITY;

2. EMPLOYED BY A SIGNIFICANT SUPPLIER OF THE AUTHORITY;

3. EMPLOYED BY AND HAD A FIVE PERCENT OR GREATER OWNERSHIP INTEREST IN A SUPPLIER WHERE SALES TO THE AUTHORITY REPRESENT MORE THAN ONE PERCENT OF THE SALES OF THE SUPPLIER OR MORE THAN ONE PERCENT OF THE PURCHASES OF THE AUTHORITY; AND

4. A LOBBYIST REGISTERED UNDER A STATE OR LOCAL LAW COVERING ANY JURISDICTION SERVED IN WHOLE OR IN PART BY THE AUTHORITY.

S 2997. TARGETED HIRE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND EXCEPT AS IS OTHERWISE PROVIDED BY COLLECTIVE BARGAINING CONTRACTS OR AGREEMENTS, RECIPIENTS OF MORE THAN ONE HUNDRED THOUSAND DOLLARS IN CUMULATIVE FINANCIAL ASSISTANCE BY LOCAL AND STATE AUTHORITIES, AS WELL AS COVERED EMPLOYERS, SHALL ENSURE THAT (A) FIFTY PERCENT OF CONSTRUCTION AND NON-CONSTRUCTION WORKER HOURS PERFORMED ON THE PROJECT BENEFITING FROM THE FINANCIAL ASSISTANCE ARE PERFORMED BY RESIDENTS OF A NEW YORK METROPOLITAN STATISTICAL AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY THAT IS NOT DESIGNATED AS AN MSA OR MISA, AS DEFINED BY THE UNITED STATES BUREAU OF LABOR STATISTICS, THAT CONTAINS THE PROJECT OR ANY PART THEREOF, AND IN WHICH THE MOST RECENT CENSUS DETERMINES THAT THE POVERTY OR UNEMPLOYMENT RATE IS HIGHER THAN THE AVERAGE (AGGREGATED) POVERTY OR UNEMPLOYMENT RATE OF THE REGIONAL LABOR MARKET STATES OF NEW YORK, CONNECTICUT, MASSACHUSETTS, NEW JERSEY, PENNSYLVANIA AND VERMONT; AND (B) TWENTY-FIVE PERCENT OF CONSTRUCTION WORKER HOURS PERFORMED ON THE PROJECT BENEFITING FROM THE FINANCIAL ASSISTANCE ARE PERFORMED BY APPRENTICES.



2. IF THE PERCENTAGE TARGETED HIRING REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION HAVE NOT BEEN SATISFIED FOR A PROJECT, THE RECIPIENT NONETHELESS MAY BE DEEMED TO BE IN COMPLIANCE IF IT DEMONSTRATES THAT IT AND EACH COVERED EMPLOYER HAVE EITHER (A) SATISFIED THE TARGETED HIRING REQUIREMENTS WITH REGARD TO THE PROJECT WORK THAT EACH HAS PERFORMED OR (B) SATISFACTORILY DEMONSTRATED THE FOLLOWING: (I) ADHERENCE TO PROCEDURES CONTAINED IN AN APPROVED TARGETED HIRING PLAN; (II) AS APPROPRIATE, MADE REQUESTS TO UNIONS, USING PROPER FORMS, OF SUFFICIENT NUMBERS OF TARGETED WORKERS AND APPRENTICES TO MEET THE TARGETED HIRING PERCENTAGES SET FORTH IN SUBDIVISION ONE OF THIS SECTION; (III) AS APPROPRIATE, DOCUMENTED CONTACT WITH THE APPROPRIATE AGENCY REPRESENTATIVE IN EACH INSTANCE WHEN THE RELEVANT UNION DID NOT REFER QUALIFIED TARGETED WORKERS WITHIN THE FORTY-EIGHT HOURS FOLLOWING THE CONTRACTOR'S REQUEST; (IV) FAIR CONSIDERATION BY THE RECIPIENT AND COVERED EMPLOYERS OF ANY TARGETED WORKER RECEIVED FROM ANY REFERRAL SOURCE; (V) ACCURATE RECORDS DOCUMENTING THE RECIPIENT'S AND COVERED EMPLOYERS' COMPLIANCE EFFORTS THAT INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING: (1) A LISTING BY NAME AND ADDRESS OF ALL LOCAL RECRUITMENT SOURCES CONTACTED BY THE RECIPIENT AND COVERED EMPLOYERS; (2) THE NUMBER OF TARGETED WORKER HIRES MADE AS A RESULT OF THE CONTACT; (3) THE IDENTITY AND ADDRESS OF THE WORKER OR WORKERS HIRED PURSUANT TO THE CONTACT; (4) DOCUMENTATION WHEN A TARGETED WORKER WAS NOT HIRED (INCLUDING THE REASON FOR NON-HIRE) AND/OR PREMATURE TERMINATION; (5) FOR CONSTRUCTION PROJECTS ONLY, RECIPIENTS SHALL ALSO INCLUDE THE DATE OF THE LOCAL RECRUITMENT CONTACT AND THE IDENTITY OF THE PERSON CONTACTED, THE TRADE AND CLASSIFICATION AND NUMBER OF HIRE REFERRALS REQUESTED.

3. FINANCIAL ASSISTANCE RECIPIENTS SHALL GUARANTEE THAT ALL COVERED EMPLOYERS OPERATING ON THEIR PREMISES OR ON THE PREMISES OF REAL PROPERTY IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

4. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE ANY RECIPIENT OR COVERED EMPLOYER TO OFFER EMPLOYMENT TO ANY PARTICULAR INDIVIDUAL, OR OTHERWISE AFFECT THE AUTHORITY OF ANY EMPLOYER WITH REGARD TO PERSONNEL MATTERS.

5. A COMPLAINT FOR A VIOLATION OF THIS SECTION MAY BE FILED BY AN AFFECTED EMPLOYEE, JOB APPLICANT, OR BY AN ORGANIZATION REPRESENTING SUCH EMPLOYEE, PURSUANT TO THE PROCEDURES UNDER ARTICLES EIGHT AND NINE OF THE LABOR LAW.

6. THE RELEVANT FISCAL OFFICER, AS DEFINED IN SUBDIVISION EIGHT OF SECTION TWO HUNDRED THIRTY OF THE LABOR LAW, SHALL HAVE THE AUTHORITY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. MONITORING ACTIVITIES MAY INCLUDE REQUESTS TO PRODUCE DOCUMENTATION INCLUDING THE PROVISION OF CERTIFIED PAYROLLS, SITE VISITS, INTERVIEWS, REVIEW OF REQUIRED REPORTS, AND ANY OTHER MONITORING ACTIVITIES THE FISCAL OFFICER REASONABLY FINDS NECESSARY TO ASSESS COMPLIANCE WITH THIS SECTION. COVERED EMPLOYERS SHALL COOPERATE FULLY AND PROMPTLY WITH ANY INQUIRIES THE FISCAL OFFICER DEEMS NECESSARY IN ORDER TO MONITOR COMPLIANCE WITH THIS SECTION. THE FISCAL OFFICER MAY REVIEW A COVERED EMPLOYER'S COMPLIANCE WITH THIS SECTION EITHER ON ITS OWN INITIATIVE OR AFTER RECEIVING A COMPLAINT OR INQUIRY FROM A MEMBER OF THE PUBLIC OR CITY OR STATE STAFF.

7. STATE AUTHORITIES, LOCAL AUTHORITIES, OR ANY OTHER STATE GRANTING BODIES SHALL PREPARE QUARTERLY TARGETED HIRE REPORTS LISTING EACH SUBSIDY RECIPIENT, WHETHER IT IS SUBJECT TO SUBDIVISION ONE OF THIS SECTION, AND WHETHER IT HAS MET THE PERCENT TARGETED HIRE REQUIREMENTS IDENTIFIED IN SUBDIVISION ONE OF THIS SECTION. THE REPORT SHALL IDENTIFY THE

1 PERCENTAGE OF WORKERS IN EACH PROJECT THAT RESIDE IN AN MSA, MISA OR  
2 COUNTY NOT DESIGNATED AS AN MSA OR MISA AND CONTAINING THE PROJECT, AS  
3 WELL AS THE PERCENTAGE OF WORKERS THAT ARE NEW YORK RESIDENTS. THESE  
4 REPORTS SHALL BE AVAILABLE TO THE PUBLIC. DATA FROM THE QUARTERLY  
5 REPORTS MAY BE USED TO COMPILE THE ANNUAL REPORT, IDENTIFIED IN SECTION  
6 TWENTY-EIGHT HUNDRED OF THIS ARTICLE.

7 8. THE FISCAL OFFICER SHALL PROMPTLY NOTIFY THE STATE OR LOCAL PUBLIC  
8 AUTHORITY AFTER A FINAL JUDGMENT DETERMINING THAT THE EMPLOYER HAS  
9 VIOLATED THIS SECTION. UPON RECEIPT OF SUCH NOTICE, THE AUTHORITY SHALL  
10 IMMEDIATELY SUSPEND FINANCIAL ASSISTANCE TO THE RECIPIENT. THE RECIPIENT  
11 SHALL REPAY SUCH ASSISTANCE TO THE AUTHORITY PURSUANT TO SECTION TWEN-  
12 TY-NINE HUNDRED NINETY-THREE OF THIS TITLE.

13 9. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR  
14 CONFLICTING WITH ANY LAW, OBLIGATION, OR COLLECTIVE BARGAINING AGREEMENT  
15 THAT REQUIRES GREATER LEVELS OF TARGETED HIRING FOR RECIPIENTS OR  
16 COVERED EMPLOYERS.

17 10. ANY PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION, ANY ENTITY A  
18 MEMBER OF WHICH IS AGGRIEVED BY A VIOLATION OF THIS SECTION, OR ANY  
19 OTHER PERSON OR ENTITY ACTING ON BEHALF OF THE PUBLIC AS PROVIDED FOR  
20 UNDER APPLICABLE STATE LAW, MAY BRING A CIVIL ACTION IN A COURT OF  
21 COMPETENT JURISDICTION AGAINST THE RECIPIENT OR COVERED EMPLOYER VIOLAT-  
22 ING THIS SECTION AND, UPON PREVAILING, SHALL BE AWARDED REASONABLE  
23 ATTORNEYS' FEES AND COSTS AND SHALL BE ENTITLED TO SUCH LEGAL OR EQUITA-  
24 BLE RELIEF AS MAY BE APPROPRIATE TO REMEDY THE VIOLATION. PROVIDED,  
25 HOWEVER, THAT ANY PERSON OR ENTITY ENFORCING THIS TITLE ON BEHALF OF THE  
26 PUBLIC AS PROVIDED FOR UNDER APPLICABLE STATE LAW SHALL, UPON PREVAIL-  
27 ING, BE ENTITLED ONLY TO EQUITABLE, INJUNCTIVE OR RESTITUTIONARY RELIEF  
28 TO EMPLOYEES OR JOB APPLICANTS, AND REASONABLE ATTORNEYS' FEES AND  
29 COSTS.

30 S 2998. PAYMENTS IN LIEU OF TAXES. NO PAYMENT IN LIEU OF TAXES AGREE-  
31 MENT SHALL BE FOR A PERIOD OF TIME LONGER THAN FIVE YEARS. THE AGREEMENT  
32 SHALL BE RENEWABLE FOR ONE ADDITIONAL PERIOD OF FIVE YEARS, SO LONG AS  
33 THE RECIPIENT HAS MET THE CONDITIONS OF THE FINANCIAL ASSISTANCE AGREE-  
34 MENT AND AFTER A VOTE BY THE RELEVANT BOARD.

35 S 5. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 2  
36 of section 2800 of the public authorities law, as amended by chapter 506  
37 of the laws of 2009, are amended to read as follows:

38 (a) For the purpose of furnishing the state with systematic informa-  
39 tion regarding the status and the activities of public authorities,  
40 every state authority continued or created by this chapter or any other  
41 chapter of the laws of the state of New York shall submit to the gover-  
42 nor, the chairman and ranking minority member of the senate finance  
43 committee, the chairman and ranking minority member of the assembly ways  
44 and means committee, the state comptroller, and the authorities budget  
45 office, within ninety days after the end of its fiscal year, a complete  
46 and detailed report or reports setting forth: (1) its operations and  
47 accomplishments; (2) its financial reports, including (i) audited finan-  
48 cials in accordance with all applicable regulations and following gener-  
49 ally accepted accounting principles as defined in subdivision ten of  
50 section two of the state finance law, (ii) grant and subsidy programs,  
51 (iii) operating and financial risks, (iv) current ratings, if any, of  
52 its bonds issued by recognized municipal bond rating agencies and notice  
53 of changes in such ratings, and (v) long-term liabilities, including  
54 leases and employee benefit plans; (3) its mission statement and meas-  
55 urements including its most recent measurement report; (4) a schedule of  
56 its bonds and notes outstanding at the end of its fiscal year, together

1 with a statement of the amounts redeemed and incurred during such fiscal  
2 year as part of a schedule of debt issuance that includes the date of  
3 issuance, term, amount, interest rate and means of repayment. Addi-  
4 tionally, the debt schedule shall also include all refinancings, calls,  
5 refundings, defeasements and interest rate exchange or other such agree-  
6 ments, and for any debt issued during the reporting year, the schedule  
7 shall also include a detailed list of costs of issuance for such debt;  
8 (5) a compensation schedule, in addition to the report described in  
9 section twenty-eight hundred six of this title, that shall include, by  
10 position, title and name of the person holding such position or title,  
11 the salary, compensation, allowance and/or benefits provided to any  
12 officer, director or employee in a decision making or managerial posi-  
13 tion of such authority whose salary is in excess of one hundred thousand  
14 dollars; (5-a) biographical information, not including confidential  
15 personal information, for all directors and officers and employees for  
16 whom salary reporting is required under subparagraph five of this para-  
17 graph; (6) the projects undertaken by such authority during the past  
18 year, MADE AVAILABLE TO THE PUBLIC IN AN ELECTRONIC NON-PROPRIETARY AND  
19 DOWNLOADABLE DATABASE, THAT SHALL INCLUDE BUT NOT BE LIMITED TO:

20 (I) PROJECT DESCRIPTION: (A) NAME AND ADDRESS OF PROJECT APPLICANT,  
21 INCLUDING NAMES OF PRINCIPAL OFFICERS, ANY PARENT OR SUBSIDIARY CORPO-  
22 RATIONS AND MAJOR SHAREHOLDERS; (B) NAME OF THE SITE CONSULTANTS,  
23 PROJECT ARCHITECT, ENGINEER AND CONTRACTORS; (C) PROJECT DESCRIPTION,  
24 INCLUDING ADDRESS, BLOCK AND LOT, PROPERTY AND BUILDING SIZE, PROPOSED  
25 START AND COMPLETION DATES FOR THE FINANCIAL TRANSACTION, PROJECT GOALS,  
26 AND DESCRIPTION OF PROJECT TENANTS; (D) ELECTRONIC LINK TO THE FINAL  
27 APPLICATION, THE FINANCIAL ASSISTANCE AGREEMENT, THE COST BENEFIT ANALY-  
28 SIS, ENVIRONMENTAL IMPACT ASSESSMENT AND/OR ENVIRONMENTAL IMPACT STATE-  
29 MENT, AND WHERE APPLICABLE THE QUARTERLY TARGETED HIRE REPORT; (E)  
30 WHETHER PROJECT IS LOCATED IN AN AREA OF HIGH ECONOMIC DISTRESS OR ON A  
31 BROWNFIELD OPPORTUNITY AREA; (F) THE AMOUNT, TYPE AND DATE OF CAPITAL  
32 INVESTMENT TO BE PROVIDED BY THE RECIPIENT, ORIGINALLY COMMITTED AND TO  
33 DATE; (G) AMOUNT, TYPE, AND DATE OF PUBLIC INFRASTRUCTURE INVESTMENTS  
34 MADE BY RECIPIENT, ORIGINALLY COMMITTED AND TO DATE; (H) AMOUNT AND TYPE  
35 OF AFFORDABLE HOUSING TO BE BUILT, IF ANY, ORIGINALLY COMMITTED AND TO  
36 DATE; (I) NAICS CODE FOR PROJECT; (J) THE PUBLIC PURPOSE OF THE PROJECT;  
37 (K) AMOUNT AND TYPE OF POINT SOURCE AND NON-POINT SOURCE POLLUTION  
38 RESULTING FROM THE PROJECT, IF ANY, ANNUALLY AND TO DATE; (L) AMOUNT AND  
39 TYPE OF ENERGY USE AT PROJECT LOCATION, ORIGINALLY BENCHMARKED AND TO  
40 DATE; AND (M) AMOUNT OF GREENHOUSE GAS EMISSIONS AT PROJECT LOCATION  
41 ORIGINALLY BENCHMARKED AND TO DATE;

42 (II) FINANCIAL ASSISTANCE: (A) CATEGORIZED DESCRIPTION OF THE TOTAL  
43 AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY OVER  
44 THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT COMMIT-  
45 TED DURING THE PRIOR FISCAL YEAR, INCLUDING THE VALUE OF ANY PROPERTY  
46 SOLD OR LEASED AT LESS THAN FAIR MARKET VALUE; (B) DESCRIPTION OF THE  
47 NET AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY  
48 OVER THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT  
49 COMMITTED DURING THE PRIOR FISCAL YEAR, AND WHERE APPLICABLE, THE  
50 AMOUNT, TYPE, AND DATE OF PILOT PAYMENTS BY TAX JURISDICTION, ORIGINAL  
51 AND TO DATE; (C) ATTACHMENT OF THE YEARLY SCHEDULE OF EXEMPTIONS AND  
52 OTHER BENEFITS COMMITTED BY THE AUTHORITY FOR EACH YEAR OF THE LIFE OF  
53 THE DEAL; (D) AMOUNT OF PUBLIC ASSISTANCE, TOTAL, BY PROGRAM, AND BY  
54 TYPE OF FINANCIAL ASSISTANCE, COMMITTED TO THE PROJECT BY ALL OTHER  
55 FEDERAL, STATE, COUNTY, AND LOCAL PROGRAMS AS OF THE DATE OF THE  
56 EXECUTION OF THE AGREEMENT, AS WELL AS UPDATED FOR THE PRIOR FISCAL

1 YEAR; AND (E) AMOUNT AND TYPE OF INFRASTRUCTURE INVESTMENTS INCURRED BY  
2 FEDERAL, STATE, COUNTY, AND LOCAL GOVERNMENTS ON BEHALF OF THE PROJECT.

3 (III) PROJECT CRITERIA: (A) NUMBER AND TYPES OF FULL-TIME AND  
4 PART-TIME JOBS EXISTING AT THE PROJECT ON THE DATE THE ORIGINAL AGREE-  
5 MENT WAS EXECUTED, AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB  
6 CLASSIFICATION; (B) NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS  
7 ORIGINALLY COMMITTED, AS PER FINANCIAL ASSISTANCE AGREEMENT, AND MEDIAN  
8 ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION; (C) NUMBER OF FULL  
9 TIME AND PART TIME JOBS RETAINED TO DATE; (D) NUMBER OF FULL TIME AND  
10 PART TIME TEMPORARY CONSTRUCTION JOBS CREATED BY APPLICANT AND BY  
11 PROJECT TENANTS TO DATE; (E) NUMBER OF FULL TIME AND PART TIME NON-CON-  
12 STRUCTION JOBS CREATED BY APPLICANT AND BY PROJECT TENANTS TO DATE; (F)  
13 MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF FULL TIME  
14 AND PART TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED AND  
15 RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-CON-  
16 STRUCTION JOBS; (H)(1) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE  
17 OF NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION  
18 EMPLOYEES; (2) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF LOCAL  
19 RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN STATISTICAL  
20 AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY NOT WITHIN  
21 AN MSA OR MISA, IN WHICH THE PROJECT OCCURS, SEPARATED BY CONSTRUCTION  
22 AND NON-CONSTRUCTION EMPLOYEES; (I) RECIPIENT USE OF UNION CONSTRUCTION  
23 APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVELOPMENT  
24 PROGRAM, ORIGINAL AND TO DATE; (J) WHETHER OR NOT THE PROJECT COMPLIED  
25 WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY  
26 ACT; (K) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (L) WHETHER OR  
27 NOT THE PROJECT HAS MET EACH BENCHMARK AND IF NOT, THE FINANCIAL ASSIST-  
28 ANCE AMOUNT THE AUTHORITY HAS RECAPTURED DURING THE CURRENT YEAR AND TO  
29 DATE; AND (M) WHETHER THE PROJECT HAS A SUBSIDY RECAPTURE PROVISION.

30 (IV) OTHER: (A) WHETHER RECIPIENT, ITS OFFICERS, PRINCIPALS, PARENT  
31 COMPANY, SUBSIDIARIES OR MAJOR SHAREHOLDERS HAVE (1) VIOLATED THE  
32 PREVAILING WAGE LAW UNDER ARTICLE EIGHT OF THE LABOR LAW OR THE FEDERAL  
33 DAVIS-BACON ACT; (2) VIOLATED STATE OR FEDERAL LAWS RELATING TO UNEM-  
34 PLOYMENT COMPENSATION, WORKERS' COMPENSATION, OCCUPATIONAL HEALTH AND  
35 SAFETY, EMPLOYEE MISCLASSIFICATION, EMPLOYMENT DISABILITY, EMPLOYMENT  
36 DISCRIMINATION, OR OTHER LABOR LAWS; (3) VIOLATED STATE OR FEDERAL ENVI-  
37 RONMENTAL PROTECTION LAWS; (4) FAILED TO FILE FEDERAL, STATE OR LOCAL  
38 TAX RETURNS, ANY TAX LIABILITIES, JUDGMENTS OR LIENS, AND VIOLATIONS OF  
39 AGREEMENTS OR LAWS UNDER WHICH A TAX CREDIT, TAX EXEMPTION, LOAN OR  
40 GRANT WAS AWARDED BY ANY FEDERAL, STATE OR LOCAL ENTITY; AND (5) DISCLO-  
41 SURE OF ANY INVESTIGATIONS STARTED OR PENDING; (B) A DESCRIPTION OF SUCH  
42 VIOLATIONS; AND (C) A STATEMENT AS TO WHETHER THE USE OF THE FINANCIAL  
43 ASSISTANCE DURING THE PREVIOUS FISCAL YEAR HAS REDUCED EMPLOYMENT AT ANY  
44 OTHER SITE CONTROLLED BY THE RECIPIENT CORPORATION OR ITS CORPORATE  
45 PARENT, WITHIN OR WITHOUT THE STATE AS A RESULT OF AUTOMATION, MERGER,  
46 ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS ACTIVITY.

47 (V) PRIOR PROJECTS. WHERE INFORMATION REQUESTED UNDER THIS SUBDIVISION  
48 IS NOT REQUIRED TO BE COLLECTED BECAUSE THE PROJECT WAS APPROVED PRIOR  
49 TO THE EFFECTIVE DATE OF TITLE THIRTEEN OF THIS ARTICLE, IT SHALL BE  
50 NOTED ACCORDINGLY IN THE REPORT.

51 (VI) DURATION. THE DATABASE SHALL BE FOR THE PERIOD COMMENCING ON THE  
52 DATE THAT THE FINANCIAL ASSISTANCE AGREEMENT AND ANY OTHER DOCUMENTS  
53 APPLICABLE TO SUCH PROJECT HAVE BEEN EXECUTED THROUGH THE FINAL YEAR  
54 THAT SUCH ENTITY RECEIVES ASSISTANCE FOR SUCH PROJECT. AT SUCH POINT,  
55 DATA ON RECIPIENTS OF FINANCIAL ASSISTANCE SHALL BE ARCHIVED AND AVAIL-  
56 ABLE TO THE PUBLIC; (7) a listing and description AVAILABLE TO THE

1 PUBLIC IN A NON-PROPRIETARY ELECTRONIC DATABASE, in addition to the  
2 report required by paragraph a of subdivision three of section twenty-  
3 eight hundred ninety-six of this article of all real property of such  
4 authority having an estimated fair market value in excess of fifteen  
5 thousand dollars that the authority acquires or disposes of THROUGH SALE  
6 OR LEASE during such period. The report shall contain the price received  
7 or paid by the authority, THE FAIR MARKET VALUE AT THE TIME OF SALE OR  
8 LEASE, and the name of the purchaser or seller for all such property  
9 sold or bought by the authority during such period; (8) such authority's  
10 code of ethics; (9) an assessment of the effectiveness of its internal  
11 control structure and procedures; (10) a copy of the legislation that  
12 forms the statutory basis of the authority; (11) a description of the  
13 authority and its board structure, including (i) names of committees and  
14 committee members, (ii) lists of board meetings and attendance, (iii)  
15 descriptions of major authority units, subsidiaries, [and] (iv) number  
16 of employees, AND (V) ORGANIZATIONAL CHART; (12) its charter, if any,  
17 and by-laws; (13) a listing of material changes in operations and  
18 programs during the reporting year; (14) at a minimum a four-year finan-  
19 cial plan, including (i) a current and projected capital budget, and  
20 (ii) an operating budget report, including an actual versus estimated  
21 budget, with an analysis and measurement of financial and operating  
22 performance; (15) its board performance evaluations, INCLUDING ATTEND-  
23 ANCE AND VOTING RECORDS BY EACH BOARD MEMBER; [provided, however, that  
24 such evaluations shall not be subject to disclosure under article six of  
25 the public officers law;] (16) a description of the total amounts of  
26 assets, services or both assets and services bought or sold without  
27 competitive bidding, including (i) the nature of those assets and  
28 services, (ii) the names of the counterparties, and (iii) where the  
29 contract price for assets purchased exceeds fair market value, or where  
30 the contract price for assets sold is less than fair market value, a  
31 detailed explanation of the justification for making the purchase or  
32 sale without competitive bidding, and a certification by the chief exec-  
33 utive officer and chief financial officer of the public authority that  
34 they have reviewed the terms of such purchase or sale and determined  
35 that it complies with applicable law and procurement guidelines; and  
36 (17) a description of any material pending litigation in which the  
37 authority is involved as a party during the reporting year, except that  
38 no hospital need disclose information about pending malpractice claims  
39 beyond the existence of such claims.

40 (a) Every local authority, continued or created by this chapter or any  
41 other chapter of the laws of the state of New York shall submit to the  
42 chief executive officer, the chief fiscal officer, the chairperson of  
43 the legislative body of the local government or local governments and  
44 the authorities budget office, within ninety days after the end of its  
45 fiscal year, a complete and detailed report or reports setting forth:  
46 (1) its operations and accomplishments; (2) its financial reports,  
47 including (i) audited financials in accordance with all applicable regu-  
48 lations and following generally accepted accounting principles as  
49 defined in subdivision ten of section two of the state finance law, (ii)  
50 grants and subsidy programs, (iii) operating and financial risks, (iv)  
51 current ratings if any, of its bonds issued by recognized municipal bond  
52 rating agencies and notice of changes in such ratings, and (v) long-term  
53 liabilities, including leases and employee benefit plans; (3) its  
54 mission statement and measurements including its most recent measurement  
55 report; (4) a schedule of its bonds and notes outstanding at the end of  
56 its fiscal year, together with a statement of the amounts redeemed and

1 incurred during such fiscal year as part of a schedule of debt issuance  
2 that includes the date of issuance, term, amount, interest rate and  
3 means of repayment. Additionally, the debt schedule shall also include  
4 all refinancings, calls, refundings, defeasements and interest rate  
5 exchange or other such agreements, and for any debt issued during the  
6 reporting year, the schedule shall also include a detailed list of costs  
7 of issuance for such debt; (5) a compensation schedule in addition to  
8 the report described in section twenty-eight hundred six of this title  
9 that shall include, by position, title and name of the person holding  
10 such position or title, the salary, compensation, allowance and/or bene-  
11 fits provided to any officer, director or employee in a decision making  
12 or managerial position of such authority whose salary is in excess of  
13 one hundred thousand dollars; (5-a) biographical information, not  
14 including confidential personal information, for all directors and offi-  
15 cers and employees for whom salary reporting is required under subpara-  
16 graph five of this paragraph; (6) the projects undertaken by such  
17 authority during the past year, MADE AVAILABLE TO THE PUBLIC IN AN ELEC-  
18 TRONIC NON-PROPRIETARY AND DOWNLOADABLE DATABASE, THAT SHALL INCLUDE BUT  
19 NOT BE LIMITED TO: (I) PROJECT DESCRIPTION: (A) NAME AND ADDRESS OF  
20 PROJECT APPLICANT, INCLUDING NAMES OF PRINCIPAL OFFICERS, ANY PARENT OR  
21 SUBSIDIARY CORPORATIONS AND MAJOR SHAREHOLDERS; (B) NAME OF THE SITE  
22 CONSULTANTS, PROJECT ARCHITECT, ENGINEER AND CONTRACTORS; (C) PROJECT  
23 DESCRIPTION, INCLUDING ADDRESS, BLOCK AND LOT, PROPERTY AND BUILDING  
24 SIZE, PROPOSED START AND COMPLETION DATES FOR THE FINANCIAL TRANSACTION,  
25 PROJECT GOALS, AND DESCRIPTION OF PROJECT TENANTS; (D) ELECTRONIC LINK  
26 TO THE FINAL APPLICATION, THE FINANCIAL ASSISTANCE AGREEMENT, THE COST  
27 BENEFIT ANALYSIS, ENVIRONMENTAL IMPACT ASSESSMENT AND/OR ENVIRONMENTAL  
28 IMPACT STATEMENT, AND WHERE APPLICABLE THE QUARTERLY TARGETED HIRE  
29 REPORT; (E) WHETHER PROJECT IS LOCATED IN AN AREA OF HIGH ECONOMIC  
30 DISTRESS OR ON A BROWNFIELD OPPORTUNITY AREA; (F) THE AMOUNT, TYPE AND  
31 DATE OF CAPITAL INVESTMENT TO BE PROVIDED BY THE RECIPIENT, ORIGINALLY  
32 COMMITTED AND TO DATE; (G) AMOUNT, TYPE, AND DATE OF PUBLIC INFRASTRUC-  
33 TURE INVESTMENTS MADE BY RECIPIENT, ORIGINALLY COMMITTED AND TO DATE;  
34 (H) AMOUNT AND TYPE OF AFFORDABLE HOUSING TO BE BUILT, IF ANY,  
35 ORIGINALLY COMMITTED AND TO DATE; (I) NAICS CODE FOR PROJECT; (J) THE  
36 PUBLIC PURPOSE OF THE PROJECT; (K) AMOUNT AND TYPE OF POINT SOURCE AND  
37 NON-POINT SOURCE POLLUTION RESULTING FROM THE PROJECT, IF ANY, ANNUALLY  
38 AND TO DATE; (L) AMOUNT AND TYPE OF ENERGY USE AT PROJECT LOCATION,  
39 ORIGINALLY BENCHMARKED AND TO DATE; AND (M) AMOUNT OF GREENHOUSE GAS  
40 EMISSIONS AT PROJECT LOCATION ORIGINALLY BENCHMARKED AND TO DATE.

41 (II) FINANCIAL ASSISTANCE: (A) CATEGORIZED DESCRIPTION OF THE TOTAL  
42 AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY OVER  
43 THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT COMMIT-  
44 TED DURING THE PRIOR FISCAL YEAR, INCLUDING THE VALUE OF ANY PROPERTY  
45 SOLD OR LEASED AT LESS THAN FAIR MARKET VALUE; (B) DESCRIPTION OF THE  
46 NET AMOUNT AND TYPE OF FINANCIAL ASSISTANCE PROVIDED BY THE AUTHORITY  
47 OVER THE LIFE OF THE AGREEMENT, AMOUNT COMMITTED TO DATE, AND AMOUNT  
48 COMMITTED DURING THE PRIOR FISCAL YEAR, AND WHERE APPLICABLE, THE  
49 AMOUNT, TYPE, AND DATE OF PILOT PAYMENTS BY TAX JURISDICTION, ORIGINAL  
50 AND TO DATE; (C) ATTACHMENT OF THE YEARLY SCHEDULE OF EXEMPTIONS AND  
51 OTHER BENEFITS COMMITTED BY THE AUTHORITY FOR EACH YEAR OF THE LIFE OF  
52 THE DEAL; (D) AMOUNT OF PUBLIC ASSISTANCE, TOTAL, BY PROGRAM, AND BY  
53 TYPE OF FINANCIAL ASSISTANCE, COMMITTED TO THE PROJECT BY ALL OTHER  
54 FEDERAL, STATE, COUNTY, AND LOCAL PROGRAMS AS OF THE DATE OF THE  
55 EXECUTION OF THE AGREEMENT, AS WELL AS UPDATED FOR THE PRIOR FISCAL

1 YEAR; AND (E) AMOUNT AND TYPE OF INFRASTRUCTURE INVESTMENTS INCURRED BY  
2 FEDERAL, STATE, COUNTY, AND LOCAL GOVERNMENTS ON BEHALF OF PROJECT.

3 (III) PROJECT CRITERIA, WHERE APPLICABLE: (A) NUMBER AND TYPES OF  
4 FULL-TIME AND PART-TIME JOBS EXISTING AT THE PROJECT ON THE DATE THE  
5 ORIGINAL AGREEMENT WAS EXECUTED, AND MEDIAN ANNUAL WAGE AND BENEFIT  
6 LEVELS BY JOB CLASSIFICATION; (B) NUMBER AND TYPES OF FULL-TIME AND  
7 PART-TIME JOBS ORIGINALLY COMMITTED, AS PER FINANCIAL ASSISTANCE AGREE-  
8 MENT, AND MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION;  
9 (C) NUMBER OF FULL TIME AND PART TIME JOBS RETAINED TO DATE; (D) NUMBER  
10 OF FULL TIME AND PART TIME CONSTRUCTION JOBS CREATED BY APPLICANT AND BY  
11 PROJECT TENANTS TO DATE; (E) NUMBER OF FULL TIME AND PART TIME NON-CON-  
12 STRUCTION JOBS CREATED BY APPLICANT AND BY PROJECT TENANTS TO DATE; (F)  
13 MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF FULL TIME  
14 AND PART TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED AND  
15 RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-CON-  
16 STRUCTION JOBS; (H) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF  
17 NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUCTION  
18 EMPLOYEES; (I) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF LOCAL  
19 RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN STATISTICAL  
20 AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY NOT WITHIN  
21 AN MSA OR MISA, IN WHICH THE PROJECT OCCURS, SEPARATED BY CONSTRUCTION  
22 AND NON-CONSTRUCTION EMPLOYEES; (J) RECIPIENT USE OF UNION CONSTRUCTION  
23 APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVELOPMENT  
24 PROGRAM, ORIGINAL AND TO DATE; (K) WHETHER OR NOT THE PROJECT COMPLIED  
25 WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY  
26 ACT; (L) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (M) WHETHER OR  
27 NOT THE PROJECT HAS MET EACH BENCHMARK AND IF NOT, THE FINANCIAL ASSIST-  
28 ANCE AMOUNT THE AUTHORITY HAS RECAPTURED DURING THE CURRENT YEAR AND TO  
29 DATE; (N) WHETHER THE PROJECT HAS A SUBSIDY RECAPTURE PROVISION.

30 (IV) OTHER: (A) WHETHER RECIPIENT, ITS OFFICERS, PRINCIPALS, PARENT  
31 COMPANY, SUBSIDIARIES OR MAJOR SHAREHOLDERS HAVE (1) VIOLATED THE  
32 PREVAILING WAGE LAW UNDER ARTICLE EIGHT OF THE LABOR LAW OR THE FEDERAL  
33 DAVIS-BACON ACT; (2) VIOLATED STATE OR FEDERAL LAWS RELATING TO UNEM-  
34 PLOYMENT COMPENSATION, WORKERS' COMPENSATION, OCCUPATIONAL HEALTH AND  
35 SAFETY, EMPLOYEE MISCLASSIFICATION, EMPLOYMENT DISABILITY, EMPLOYMENT  
36 DISCRIMINATION, OR OTHER LABOR LAWS; (3) VIOLATED STATE OR FEDERAL ENVI-  
37 RONMENTAL PROTECTION LAWS; (4) FAILED TO FILE FEDERAL, STATE OR LOCAL  
38 TAX RETURNS, ANY TAX LIABILITIES, JUDGMENTS OR LIENS, AND VIOLATIONS OF  
39 AGREEMENTS OR LAWS UNDER WHICH A TAX CREDIT, TAX EXEMPTION, LOAN OR  
40 GRANT WAS AWARDED BY ANY FEDERAL, STATE OR LOCAL ENTITY; AND (5) DISCLO-  
41 SURE OF ANY INVESTIGATIONS STARTED OR PENDING; (B) A DESCRIPTION OF SUCH  
42 VIOLATIONS; AND (C) A STATEMENT AS TO WHETHER THE USE OF THE FINANCIAL  
43 ASSISTANCE DURING THE PREVIOUS FISCAL YEAR HAS REDUCED EMPLOYMENT AT ANY  
44 OTHER SITE CONTROLLED BY THE RECIPIENT CORPORATION OR ITS CORPORATE  
45 PARENT, WITHIN OR WITHOUT THE STATE AS A RESULT OF AUTOMATION, MERGER,  
46 ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS ACTIVITY.

47 (V) PRIOR PROJECTS. WHERE INFORMATION REQUESTED UNDER SUBDIVISION TWO  
48 OF THIS SECTION IS NOT REQUIRED TO BE COLLECTED BECAUSE THE PROJECT WAS  
49 APPROVED PRIOR TO THE ADOPTION OF THIS LAW, IT SHALL BE NOTED ACCORDING-  
50 LY IN THE REPORT.

51 (VI) THE DATABASE SHALL BE FOR THE PERIOD COMMENCING ON THE DATE THAT  
52 THE FINANCIAL ASSISTANCE AGREEMENT AND ANY OTHER DOCUMENTS APPLICABLE TO  
53 SUCH PROJECT HAVE BEEN EXECUTED THROUGH THE FINAL YEAR THAT SUCH ENTITY  
54 RECEIVES ASSISTANCE FOR SUCH PROJECT. AT SUCH POINT, DATA ON RECIPIENTS  
55 OF FINANCIAL ASSISTANCE SHALL BE ARCHIVED AND AVAILABLE TO THE PUBLIC;

56 (7) a listing and description AVAILABLE TO THE PUBLIC IN A NON-PROPRIE-

1 TARY ELECTRONIC DATABASE, in addition to the report required by para-  
2 graph a of subdivision three of section twenty-eight hundred ninety-six  
3 of this article of all real property of such authority having an esti-  
4 mated fair market value in excess of fifteen thousand dollars that the  
5 authority acquires or disposes of THROUGH SALE OR LEASE during such  
6 period. The report shall contain the price received or paid by the  
7 authority, THE FAIR MARKET VALUE AT THE TIME OF SALE OR LEASE, and the  
8 name of the purchaser or seller for all such property sold or bought by  
9 the authority during such period; (8) such authority's code of ethics;  
10 (9) an assessment of the effectiveness of its internal control structure  
11 and procedures; (10) a copy of the legislation that forms the statutory  
12 basis of the authority; (11) a description of the authority and its  
13 board structure, including (i) names of committees and committee  
14 members, (ii) lists of board meetings and attendance, (iii) descriptions  
15 of major authority units, subsidiaries, (iv) number of employees, and  
16 (v) organizational chart; (12) its charter, if any, and by-laws; (13) a  
17 listing of material changes in operations and programs during the  
18 reporting year; (14) at a minimum a four-year financial plan, including  
19 (i) a current and projected capital budget, and (ii) an operating budget  
20 report, including an actual versus estimated budget, with an analysis  
21 and measurement of financial and operating performance; (15) its board  
22 performance evaluations [provided, however, that such evaluations shall  
23 not be subject to disclosure under article six of the public officers  
24 law], INCLUDING ATTENDANCE, VOTING RECORDS BY EACH BOARD MEMBER, AND  
25 CATEGORIZATION OF EACH BOARD MEMBER ACCORDING TO SECTION TWENTY-NINE  
26 HUNDRED NINETY-SIX OF THIS ARTICLE; (16) a description of the total  
27 amounts of assets, services or both assets and services bought or sold  
28 without competitive bidding, including (i) the nature of those assets  
29 and services, (ii) the names of the counterparties, and (iii) where the  
30 contract price for assets purchased exceeds fair market value, or where  
31 the contract price for assets sold is less than fair market value, a  
32 detailed explanation of the justification for making the purchase or  
33 sale without competitive bidding, and a certification by the chief exec-  
34 utive officer and chief financial officer of the public authority that  
35 they have reviewed the terms of such purchase or sale and determined  
36 that it complies with applicable law and procurement guidelines; and  
37 (17) a description of any material pending litigation in which the  
38 authority is involved as a party during the reporting year, except that  
39 no provider of medical services need disclose information about pending  
40 malpractice claims beyond the existence of such claims.

41 S 6. Subdivision 1 of section 2800 of the public authorities law is  
42 amended by adding a new paragraph (d) to read as follows:

43 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR  
44 CONFLICTING WITH ANY LAW OR OBLIGATION THAT REQUIRES HIGHER STANDARDS  
45 FOR ANNUAL REPORTING BY A STATE PUBLIC AUTHORITY.

46 S 7. Subdivision 2 of section 2800 of the public authorities law is  
47 amended by adding two new paragraphs (c) and (d) to read as follows:

48 (C) THE AUTHORITIES BUDGET OFFICE SHALL MAKE ACCESSIBLE TO THE PUBLIC,  
49 VIA ITS OFFICIAL OR SHARED INTERNET WEB SITE, DOCUMENTATION PERTAINING  
50 TO EACH AUTHORITY'S MISSION, CURRENT ACTIVITIES, MOST RECENT ANNUAL  
51 FINANCIAL REPORTS, CURRENT YEAR BUDGET AND ITS MOST RECENT INDEPENDENT  
52 AUDIT REPORT UNLESS SUCH INFORMATION IS COVERED BY SUBDIVISION TWO OF  
53 SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW.

54 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING OR  
55 CONFLICTING WITH ANY LAW OR OBLIGATION THAT REQUIRES HIGHER STANDARDS  
56 FOR ANNUAL REPORTING BY A LOCAL PUBLIC AUTHORITY.



1     S 8. This act shall take effect on the ninetieth day after it shall  
2 have become a law, provided, however, that effective immediately, the  
3 addition, amendment and/or repeal of any rule or regulation necessary  
4 for the implementation of this act on its effective date is authorized  
5 to be made and completed on or before such date.