

S T A T E   O F   N E W   Y O R K

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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

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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:

1     Section 1. Section 16-a of section 1 of chapter 174 of the laws of  
2     1968, constituting the New York state urban development corporation act,  
3     is amended by adding a new subdivision 3-a to read as follows:  
4     (3-A) NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, WHERE APPLI-  
5     CABLE, THE CORPORATION IS AUTHORIZED TO ENTER INTO AGREEMENTS AS MAY BE  
6     NECESSARY FOR THE ADMINISTRATION AND REPORTING OF FUNDS REPAID,  
7     RECEIVED, EXPENDED OR COLLECTED IN A MANNER CONSISTENT WITH THE  
8     PROVISIONS IN SECTION SIXTEEN-T OF THIS ACT. THE USE OF SUCH FUNDS BY  
9     THE CORPORATION SHALL BE CONSISTENT WITH THE TERMS, CONDITIONS AND  
10    RESTRICTIONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, TO PROVIDE  
11    FINANCIAL ASSISTANCE TO ELIGIBLE REGIONAL CORPORATIONS AS DEFINED IN  
12    SUBDIVISION EIGHTEEN OF SECTION THREE OF THIS ACT. OUTSTANDING  
13    EXPENSES, LOANS AND OTHER OBLIGATIONS EXECUTED PRIOR TO THE EFFECTIVE  
14    DATE OF THIS SUBDIVISION SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF  
15    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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1 S 2. Subdivision 20 of section 16-a of section 1 of chapter 174 of the  
2 laws of 1968, constituting the New York state urban development corpo-  
3 ration act, as amended by chapter 524 of the laws of 2005, is amended to  
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (C) (I) THE LENDING ORGANIZATION SHALL SUBMIT TO THE CORPORATION ANNU-  
52 AL REPORTS STATING: THE NUMBER OF PROGRAM LOANS MADE; THE AMOUNT OF  
53 PROGRAM FUNDING USED FOR LOANS; THE USE OF LOAN PROCEEDS BY THE BORROW-  
54 ER; THE NUMBER OF JOBS CREATED OR RETAINED; A DESCRIPTION OF THE ECONOM-  
55 IC DEVELOPMENT GENERATED; THE STATUS OF EACH OUTSTANDING PROGRAM LOAN,

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

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

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

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

17 14-A. BEGINNING JANUARY 1, 2017, NOTWITHSTANDING ANY LAW TO THE  
18 CONTRARY, THE CORPORATION SHALL PUBLISH ON ITS WEBSITE ANNUAL REPORTS  
19 REQUIRED UNDER SUBDIVISION FOURTEEN OF THIS SECTION.

20 S 8. This act shall take effect immediately.