

# STATE OF NEW YORK

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6613

2017-2018 Regular Sessions

## IN SENATE

June 7, 2017

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Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the New York state urban development corporation act and the economic development law, in relation to the creation of a searchable database

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
2 the New York state urban development corporation act, is amended by  
3 adding a new section 52 to read as follows:

4 § 52. Reporting. (1) Definitions. For the purposes of this section,  
5 the following terms shall have the following meanings:

6 (a) "Economic development benefits" shall mean the available state or  
7 federal resources including but not limited to state grants, loans, loan  
8 guarantees, surety bonding guarantees, loan interest subsidies, and/or  
9 subsidies, tax credits, tax exemptions or reduced tax rates and/or bene-  
10 fits allocated through the corporation;

11 (b) "Qualified participant" shall mean an individual, business, or any  
12 other entity that has applied for and received approval for and/or is  
13 the beneficiary of, any economic development benefits under any economic  
14 development program or project overseen by the New York state urban  
15 development corporation or economic development benefits that were  
16 originally allocated to the corporation or that flow through the corpo-  
17 ration or are allocated by or in conjunction with other state agencies;

18 (c) "New York state agency" shall mean any state department, board,  
19 bureau, division, commission, committee, public authority, public corpo-  
20 ration, council, office or other state governmental entity performing a  
21 governmental or proprietary function for the state, as well as entities  
22 created by any of the preceding or that are governed by a board of  
23 directors or similar body a majority of which is designated by one or  
24 more state officials;

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

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1 (d) "Full-time job" shall mean a job in which an individual is  
2 employed by a qualified participant for at least thirty-five hours a  
3 week;

4 (e) "Full-time equivalent" shall mean a unit of measure which is equal  
5 to one filled, full-time, annual-salaried position;

6 (f) "Part-time job" shall mean a job in which an individual is  
7 employed by a qualified participant for less than thirty-five hours a  
8 week; and

9 (g) "Contract job" shall mean a job in which an individual is hired  
10 for a season or for a limited period of time.

11 (2) Searchable state subsidy and economic development benefits data-  
12 base. Notwithstanding any laws to the contrary, the corporation, in  
13 cooperation with the department of economic development, shall create or  
14 modify an existing searchable database, which includes the following  
15 features and functionality:

16 (a) the ability to search the database by each of the reported infor-  
17 mation to the corporation and for the public viewer to show a qualified  
18 participant which is a recipient of an economic development benefit and  
19 view a list of all types and amounts of benefits received by a qualified  
20 participant;

21 (b) for the prior state fiscal year, the following information:

22 (i) a qualified participant's name and location;

23 (ii) the time span over which a qualified participant is to or has  
24 received economic development benefits;

25 (iii) the type of such economic development benefits provided to a  
26 qualified participant, including the name of the program or programs  
27 through which economic development benefits or any other benefits they  
28 receive through other state agencies are provided;

29 (iv) the total number of employees at all sites utilizing such econom-  
30 ic development benefits at the time of the agreement including the  
31 number of permanent full-time jobs, the number of permanent part-time  
32 jobs, the number of full-time equivalents, and the number of contract  
33 employees;

34 (v) the number of jobs that a qualified participant receiving economic  
35 development benefits is contractually obligated to retain and create  
36 over the life of the project utilizing such economic development bene-  
37 fits, except that such information shall be reported on an annual basis  
38 for agreements containing annual job retention or creation requirements,  
39 and for each reporting year, the base employment level the entity  
40 receiving economic development benefits agrees to retain over the life  
41 of the project utilizing such economic development benefits, any job  
42 creation scheduled to take place as a result of the project utilizing  
43 such economic development benefits and where applicable, any job  
44 creation targets for the current reporting year;

45 (vi) the amount of economic development benefits received by a quali-  
46 fied participant from the corporation and any other state entity during  
47 the year covered by the report, the amount of economic development bene-  
48 fits received by a qualified participant since the beginning of the  
49 project period, and the present value of the further economic develop-  
50 ment benefits estimated to be given to a qualified participant for the  
51 duration of the project utilizing such economic development benefits  
52 period;

53 (vii) for the current reporting year, the total actual number of  
54 employees at all sites covered by the project utilizing such economic  
55 development benefits, including the number of permanent full-time jobs,

1 the number of permanent part-time jobs, the number of contract jobs, the  
2 number of jobs filled by minorities or women.

3 (viii) a statement of compliance indicating whether, during the  
4 current reporting year, the corporation and/or any other state agency  
5 has reduced, cancelled or recaptured economic development benefits from  
6 a such qualified participant, and, if so, the total amount of the  
7 reduction, cancellation or recapture, and any penalty assessed and the  
8 reasons therefor.

9 (c) the ability to digitally select defined individual fields corre-  
10 sponding to any of the reported information from qualified participants  
11 to create unique database views;

12 (d) the ability to download the database in its entirety, or in part,  
13 in a common machine readable format;

14 (e) the ability to view and download contracts or award agreements for  
15 each economic development benefit received by the qualified participant  
16 to the extent such contracts or award agreements are available to the  
17 public pursuant to article six of the public officers law;

18 (f) a definition or description of terms for fields in the database;  
19 and

20 (g) a summary of each economic development benefit available to quali-  
21 fied participants by the corporation.

22 (3) Certification regarding reporting. The corporation shall certify  
23 to the New York state authorities budget office, the corporation's board  
24 of directors and post to its website that it has fulfilled all of its  
25 reporting requirements as required by law, rules, regulations, or execu-  
26 tive orders. The corporation shall provide a list of all reports, the  
27 due dates of such reports, and certify to the New York state authorities  
28 budget office and the corporation's board of directors, that each report  
29 has been submitted to the individual, office, or entity as prescribed by  
30 applicable laws, rules, and regulations.

31 (4) Database reporting. The corporation may request any data from  
32 qualified participants, which is deemed necessary and appropriate in  
33 developing, updating and maintaining the searchable database. Such  
34 qualified participants shall provide any such information requested by  
35 the corporation. Beginning on June first, two thousand eighteen, the  
36 corporation shall make all reported data on such database available to  
37 the public on its website. Such database shall be updated on a quarterly  
38 basis with qualified participants added to any programs and any new data  
39 provided by existing qualified participants required reporting.

40 (5) Reporting. The corporation's senior staff shall report on a quar-  
41 terly basis, to the corporation's board of directors with a status  
42 update on the development and maintenance of the searchable database.

43 § 2. Section 100 of the economic development law is amended by adding  
44 a new subdivision 18-j to read as follows:

45 18-j. to assist the urban development corporation to establish a  
46 searchable database pursuant to section fifty-two of the urban develop-  
47 ment corporation act.

48 § 3. This act shall take effect immediately; provided, however, that  
49 effective immediately, the addition, amendment and/or repeal of any rule  
50 or regulation necessary for the implementation of this act on its effec-  
51 tive date are authorized to be made and completed on or before such  
52 effective date.