

STATE OF NEW YORK

9140

IN SENATE

July 27, 2018

Introduced by Sen. BOYLE -- 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 53 to read as follows:

4 § 53. 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 and include the follow-
7 ing:

8 (i) available state resources and/or funds including, but not limited
9 to, state grants, loans, loan guarantees, loan interest subsidies,
10 and/or subsidies; and/or

11 (ii) tax credits, tax exemptions or reduced tax rates and/or benefits
12 which are applied for and preapproved or certified by a state agency;
13 and

14 (a-1) "Empire state economic development benefits" shall mean those
15 economic development benefits made available to the urban development
16 corporation and/or the department of economic development to award such
17 benefits to qualified recipients, or those economic development benefits
18 which are allocated to the corporation and/or such department but are
19 subsequently allocated to another state agency or other independent
20 entities for them to make such awards to qualified recipients;

21 (a-2) "Aggregate economic development benefits" shall mean those bene-
22 fits provided for in paragraphs (a) and (a-1) of this subdivision and
23 displayed separately in the database created pursuant to subdivision two
24 of this section;

25 (b) "Qualified participant" shall mean an individual, business, limit-
26 ed liability corporation or any other entity that has applied for and
27 received approval for and/or is the beneficiary of, any aggregate

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

LBD11284-15-8

1 economic development benefits of ten thousand dollars or more per
2 project;

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

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

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

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

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

20 (2) Searchable state subsidy and aggregate economic development bene-
21 fits database. Notwithstanding any laws to the contrary, the corpo-
22 ration, in cooperation with the department of economic development,
23 shall create a searchable database, or modify an existing one, display-
24 ing Empire state economic development benefits that a qualified partic-
25 ipant has been awarded. Such database shall also display other Empire
26 state economic development benefits such qualified participant has
27 received from another state agency provided that it is for the same
28 particular project which received the Empire state economic development
29 benefits. Such searchable database shall include, at a minimum, the
30 following features and functionality:

31 (a) the ability to search the database by each of the reported infor-
32 mation to the corporation and for the public viewer to show a qualified
33 participant which is a recipient of an aggregate economic development
34 benefit and view a list of all types and amounts of benefits received by
35 a qualified participant;

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

37 (i) a qualified participant's name and project, project location,
38 project's complete address, including the postal or zip code in a sepa-
39 rate searchable field, and the economic region of the state;

40 (ii) the time span over which a qualified participant is to receive or
41 has received aggregate economic development benefits;

42 (iii) the type of such aggregate economic development benefits
43 provided to a qualified participant, including the name of the program
44 or programs through which aggregate economic development benefits are
45 provided;

46 (iv) the total number of employees at all sites utilizing such aggre-
47 gate economic development benefits at the time of the agreement includ-
48 ing the number of permanent full-time jobs, the number of permanent
49 part-time jobs, the number of full-time equivalents, and the number of
50 contract employees;

51 (v) for any aggregate economic development benefit that provides for
52 job retention and creation that a qualified participant receiving aggre-
53 gate economic development benefits is contractually obligated to retain
54 and create over the life of the project utilizing such aggregate econom-
55 ic development benefits, except that such information shall be reported
56 on an annual basis for agreements containing annual job retention or

1 creation requirements, and for each reporting year, the base employment
2 level the entity receiving aggregate economic development benefits
3 agrees to retain over the life of the project utilizing such aggregate
4 economic development benefits, any job creation scheduled to take place
5 as a result of the project utilizing such aggregate economic development
6 benefits and where applicable, any job creation targets for the current
7 reporting year;

8 (vi) the amount of aggregate economic development benefits received by
9 a qualified participant during the year covered by the report, the
10 amount of aggregate economic development benefits received by a quali-
11 fied participant since the beginning of the project period, and the
12 present value of the further aggregate economic development benefits
13 committed to by the state, but not yet received by a qualified partic-
14 ipant for the duration of the project;

15 (vii) for the current reporting year, the total actual number of
16 employees at all sites covered by the project utilizing such aggregate
17 economic development benefits, including the number of permanent full-
18 time jobs, the number of permanent part-time jobs, the number of
19 contract jobs, the number of jobs filled by minorities or women.

20 (viii) a statement of compliance indicating whether, during the
21 current reporting year, the corporation and/or any other state agency
22 has reduced, cancelled or recaptured aggregate economic development
23 benefits from a qualified participant, and, if so, the total amount of
24 the reduction, cancellation or recapture, and any penalty assessed and
25 the reasons therefor.

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

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

31 (e) the ability to view and download contracts or award agreements for
32 each aggregate economic development benefit received by the qualified
33 participant to the extent such contracts or award agreements are avail-
34 able to the public pursuant to article six of the public officers law;

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

37 (g) a summary of each aggregate economic development benefit available
38 to qualified participants.

39 (3) Certification regarding reporting. The corporation shall certify
40 to the New York state authorities budget office, the corporation's board
41 of directors and post to its website that it has fulfilled all of its
42 reporting requirements as required by law, rules, regulations, or execu-
43 tive orders. The corporation shall provide a list of all reports, the
44 due dates of such reports, and certify to the New York state authorities
45 budget office and the corporation's board of directors, that each report
46 has been submitted to the individual, office, or entity as prescribed by
47 applicable laws, rules, and regulations.

48 (4) Database reporting. The corporation may request any data from
49 qualified participants, which is necessary and required in developing,
50 updating and maintaining the searchable database. Such qualified
51 participants shall provide any such information requested by the corpo-
52 ration. Beginning on June first, two thousand nineteen, the corporation
53 shall make all reported data on such database available to the public on
54 its website. Such database shall be updated on a quarterly basis with
55 qualified participants added to any programs and any new data provided
56 by existing qualified participants required reporting.

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

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

6 18-j. to assist the urban development corporation to establish a
7 searchable database pursuant to section fifty-three of the urban devel-
8 opment corporation act.

9 § 3. This act shall take effect on the ninetieth day after it shall
10 have become a law; provided, however, that effective immediately, the
11 addition, amendment and/or repeal of any rule or regulation necessary
12 for the implementation of this act on its effective date are authorized
13 to be made and completed on or before such effective date.