

# STATE OF NEW YORK

6613--A

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## IN SENATE

June 7, 2017

Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

7 (i) the available state resources including, but not limited to, state  
8 grants, loans, loan guarantees, loan interest subsidies, and/or subsi-  
9 sidies allocated through the corporation; and

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

12 (b) "Qualified participant" shall mean an individual, business, or any  
13 other entity that has applied for and received approval for and/or is  
14 the beneficiary of, any economic development benefits of ten thousand  
15 dollars or more under any individual economic development program or  
16 project overseen by the New York state urban development corporation or  
17 economic development benefits that were originally allocated to the  
18 corporation or that flow through the corporation;

19 (c) "State agency" shall mean any New York state department, board,  
20 bureau, division, commission, committee, public authority, public corpo-  
21 ration, council, office or other state governmental entity performing a  
22 governmental or proprietary function for the state, as well as entities

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

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1 created by any of the preceding or that are governed by a board of  
2 directors or similar body a majority of which is designated by one or  
3 more state officials;

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

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

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

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

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

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

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

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

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

28 (iii) the type of such economic development benefits provided to a  
29 qualified participant, including the name of the program or programs  
30 through which economic development benefits are provided;

31 (iv) for any economic development benefits provided for job retention  
32 and creation, the total number of employees at all sites covered by the  
33 project utilizing such economic development benefits at the time of the  
34 agreement including the number of permanent full-time jobs, the number  
35 of permanent part-time jobs, the number of full-time equivalents, and  
36 the number of contract jobs;

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

48 (vi) the amount of economic development benefits received by a quali-  
49 fied participant during the year covered by the report, the amount of  
50 economic development benefits received by a qualified participant since  
51 the beginning of the project period, and the present value of the  
52 further economic development benefits committed to by the state but not  
53 yet received by a qualified participant for the duration of the project;

54 (vii) for any economic development benefits provided for job retention  
55 and creation, the total actual number of employees at all sites covered  
56 by the project utilizing such economic development benefits for the

1 current reporting year, including the number of permanent full-time  
2 jobs, the number of permanent part-time jobs, the number of full-time  
3 equivalents, and the number of contract jobs;

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

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

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

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

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

21 (g) a summary of each economic development benefit available to quali-  
22 fied participants.

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

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

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

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

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

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