

# STATE OF NEW YORK

2334

2019-2020 Regular Sessions

## IN ASSEMBLY

January 22, 2019

Introduced by M. of A. SCHIMMINGER, THIELE, ABINANTI, STIRPE, LUPARDO, BRONSON, MAGNARELLI, JAFFEE, ORTIZ, FAHY, BUCHWALD, COLTON, ABBATE, CUSICK, TAYLOR, HUNTER, D'URSO, NORRIS -- Multi-Sponsored by -- M. of A. CAHILL, CRESPO, ENGLEBRIGHT, SIMON -- read once and referred to the Committee on Economic Development

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;

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

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

5 (b) "Qualified participant" shall mean an individual, business, limit-  
6 ed liability corporation or any other entity that has applied for and  
7 received approval for and/or is the beneficiary of, any aggregate  
8 economic development benefits of ten thousand dollars or more per  
9 project;

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

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

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

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

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

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

38 (a) the ability to search the database by each of the reported infor-  
39 mation to the corporation and for the public viewer to show a qualified  
40 participant which is a recipient of an aggregate economic development  
41 benefit and view a list of all types and amounts of benefits received by  
42 a qualified participant;

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

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

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

49 (iii) the type of such aggregate economic development benefits  
50 provided to a qualified participant, including the name of the program  
51 or programs through which aggregate economic development benefits are  
52 provided;

53 (iv) the total number of employees at all sites utilizing such aggre-  
54 gate economic development benefits at the time of the agreement includ-  
55 ing the number of permanent full-time jobs, the number of permanent

1 part-time jobs, the number of full-time equivalents, and the number of  
2 contract employees;

3 (v) for any aggregate economic development benefit that provides for  
4 job retention and creation that a qualified participant receiving aggregate  
5 economic development benefits is contractually obligated to retain  
6 and create over the life of the project utilizing such aggregate economic  
7 development benefits, except that such information shall be reported  
8 on an annual basis for agreements containing annual job retention or  
9 creation requirements, and for each reporting year, the base employment  
10 level the entity receiving aggregate economic development benefits  
11 agrees to retain over the life of the project utilizing such aggregate  
12 economic development benefits, any job creation scheduled to take place  
13 as a result of the project utilizing such aggregate economic development  
14 benefits and where applicable, any job creation targets for the current  
15 reporting year;

16 (vi) the amount of aggregate economic development benefits received by  
17 a qualified participant during the year covered by the report, the  
18 amount of aggregate economic development benefits received by a qualified  
19 participant since the beginning of the project period, and the  
20 present value of the further aggregate economic development benefits  
21 committed to by the state, but not yet received by a qualified partic-  
22 ipant for the duration of the project;

23 (vii) for the current reporting year, the total actual number of  
24 employees at all sites covered by the project utilizing such aggregate  
25 economic development benefits, including the number of permanent full-  
26 time jobs, the number of permanent part-time jobs, the number of  
27 contract jobs, the number of jobs filled by minorities or women.

28 (viii) a statement of compliance indicating whether, during the  
29 current reporting year, the corporation and/or any other state agency  
30 has reduced, cancelled or recaptured aggregate economic development  
31 benefits from a qualified participant, and, if so, the total amount of  
32 the reduction, cancellation or recapture, and any penalty assessed and  
33 the reasons therefor.

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

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

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

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

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

47 (3) Certification regarding reporting. The corporation shall certify  
48 to the New York state authorities budget office, the corporation's board  
49 of directors and post to its website that it has fulfilled all of its  
50 reporting requirements as required by law, rules, regulations, or execu-  
51 tive orders. The corporation shall provide a list of all reports, the  
52 due dates of such reports, and certify to the New York state authorities  
53 budget office and the corporation's board of directors, that each report  
54 has been submitted to the individual, office, or entity as prescribed by  
55 applicable laws, rules, and regulations.

1 (4) Database reporting. The corporation may request any data from  
2 qualified participants, which is necessary and required in developing,  
3 updating and maintaining the searchable database. Such qualified  
4 participants shall provide any such information requested by the corpo-  
5 ration. Beginning on June first, two thousand twenty, the corporation  
6 shall make all reported data on such database available to the public on  
7 its website. Such database shall be updated on a quarterly basis with  
8 qualified participants added to any programs and any new data provided  
9 by existing qualified participants required reporting.

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

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

15 18-j. to assist the urban development corporation to establish a  
16 searchable database pursuant to section fifty-three of the urban devel-  
17 opment corporation act.

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