STATE OF NEW YORK

2703

2019-2020 Regular Sessions

IN SENATE

January 29, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the executive law, in relation to directing agencies that provide grants and tax expenditures for the purpose of economic development to make comprehensive information on such grants and tax expenditures accessible to the public on a searchable website

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

Section 1. Short title. This act shall be known and may be cited as the "online economic development grants and tax expenditures transparency act".

§ 2. The executive law is amended by adding a new section 184 to read as follows:

§ 184. Online economic development grants and tax expenditures transparency. 1. As used in this section:

(a) "Searchable economic development grants and tax expenditures database website" shall mean a website that allows the public at no cost to search for, obtain, and aggregate the information identified in this section, which includes grants and tax expenditures for the purpose of economic development.

(b) "Entity and/or recipients" shall mean any corporation, association, limited liability company, limited liability partnership, or any other legal business entity who receives an economic development grant or tax expenditure for the purpose of economic development from the empire state development corporation, the department of economic development or any other state entity. It shall also include any economic development grantee or sub-grantee, tax expenditure beneficiary or tax expenditure sub-beneficiary, contractor or subcontractor, county, city or other local government entity.

(c) "Agency" shall mean any state department, office, board, commission, bureau, division, institution, or institution of higher education.

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

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"Agency" specifically includes any authority created by an act of the state legislature, including those authorities not receiving state tax revenue. This includes individual state agencies and programs, as well as those programs and activities that cross agency lines, and also includes all elective offices in the executive branch of government and the legislature.

(d) "Funding source" shall mean the state account from which the expenditure is appropriated.

(e) "Funding action or expenditure" shall include details on the type of spending, both appropriated expenditures, such as grants, contracts, and appropriations, and tax expenditures, as defined by section one hundred eighty-one of this article as it relates to economic development. Where possible, a hyperlink to the actual grants or contracts shall be provided.

(f) "Expected outcome" shall include, in relation to corporate subsidies for the purpose of economic development, including tax exemptions, credits, direct grants, or infrastructure assistance, the number and quality of jobs to be created or retained, including wages and benefits, the date the job goals will be reached, the estimated increase to the state tax base, and whether the funded project involves the relocation of jobs and if so how many and from where.

(g) "Final outcome" shall include, in relation to corporate subsidies for the purpose of economic development, including tax exemptions, credits, direct grants, or infrastructure assistance, the number and quality of jobs actually created or retained, including wages and benefits, and the actual increase to the state tax base for the fiscal year in which benefit was given. The outcomes achieved shall also include any money recaptured from corporate subsidy recipients for failure to meet expected performance outcomes.

(h) "State audit or report" shall include any audit or report issued by the comptroller, attorney general, agency, legislative auditor, legislative committee, or executive body relating to the past or current performance of the entity or recipient of funds or the budget program/activity or agency for the purpose of economic development which the director of the budget deems as relevant.

2. No later than January first, two thousand twenty, the director of the office for technology, in collaboration with the director of the budget, shall develop a single, searchable economic development grants and tax expenditures database website accessible by the public at no cost, that includes:

(a) Annual state expenditures or funding actions for the purposes of economic development provided to any entity, recipient or agency, as determined by the director of the budget including the name and location of any such entity, recipient or agency, the funding source, the amount of funds appropriated including tax expenditures or other subsidies, the funding agency or authority, and a description of the purpose of the funding action or expenditure. If the funding action or expenditure is a tax expenditure, information about the expected outcome of such tax expenditure shall be included and information concerning the final outcome shall be provided within thirty days from when it is reported to the appropriate state agency;

(b) Bond debt payments and debt service for the purpose of economic development including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;

(c) Local economic development aid to cities and towns including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

(d) Annual bonded indebtedness for the purpose of economic development which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds;

(e) A link to any state audit or report; and

(f) Any other relevant information specified by the director of the budget.

3. No later than February first, two thousand twenty, the director of the budget shall put into operation the searchable economic development grants and tax expenditures database website.

4. The searchable economic development grants and tax expenditures database website shall retain information for each fiscal year on the single website for not less than ten years and shall include data for at least the most recent fifteen fiscal years.

5. The director of the budget shall update the searchable economic development grants and tax expenditures database website as new data becomes available to him or her. All agencies shall provide to the director of the budget all data that is required to be included in the searchable economic development grants and tax expenditures database website not later than thirty days after the data becomes available to the agency. The director of the budget shall provide guidance to agency heads to ensure compliance with this section.

6. Nothing in this section shall permit or require the listing of individual businesses' tax liability, profits, sales or losses.

7. The director of the budget and the director of the office for technology shall not be considered in compliance with this section if the data required for the searchable economic development grants and tax expenditures database website is not available in a searchable and aggregate manner or if the public is redirected by the searchable economic development grants and tax expenditures database website to other government websites, unless each of those websites complies with the requirements of this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.