

# STATE OF NEW YORK

3402

2019-2020 Regular Sessions

## IN SENATE

February 6, 2019

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the urban development corporation act, the state finance law, the general municipal law and the economic development law, in relation to prohibiting confidentiality and non-disclosure provisions from inclusion in certain contracts entered into by the state or a municipality

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 urban development corporation act, is amended by adding a new  
3 section 11-a to read as follows:

4 § 11-a. Non-disclosure agreements; prohibitions. Notwithstanding any  
5 other provision of law to the contrary, no agreement or contract entered  
6 into by the state or any instrumentality thereof, any municipality or  
7 public corporation for projects, including but not limited to tax incen-  
8 tives, payments in lieu of taxes, tax abatements, bonds, notes, loans,  
9 grants or rebates, shall contain any provision, clause or language that  
10 provides that the contract or agreement or any of its terms are confi-  
11 dential or that the parties to the agreement or contract are prohibited  
12 from disclosing, discussing, describing or commenting upon the terms of  
13 the agreement or contract.

14 § 2. The state finance law is amended by adding a new section 148 to  
15 read as follows:

16 § 148. Non-disclosure agreements; prohibitions. Notwithstanding any  
17 other provision of law to the contrary, no agreement or contract entered  
18 into by the state or any state agency or public authority for economic  
19 development, including but not limited to tax incentives, payments in  
20 lieu of taxes, tax abatements, bonds, notes, loans, grants or rebates,  
21 shall contain any provision, clause or language that provides that the

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

LBD06777-01-9

1 contract or agreement or any of its terms are confidential or that the  
2 parties to the agreement or contract are prohibited from disclosing,  
3 discussing, describing or commenting upon the terms of the agreement or  
4 contract.

5 § 3. The general municipal law is amended by adding a new section 99-x  
6 to read as follows:

7 § 99-x. Non-disclosure agreements; prohibitions. Notwithstanding any  
8 other provision of law to the contrary, no agreement or contract entered  
9 into by a municipal corporation, political subdivision, public authority  
10 or local authority for economic development, including but not limited  
11 to tax incentives, payments in lieu of taxes, tax abatements, bonds,  
12 notes, loans, grants or rebates, shall contain any provision, clause or  
13 language that provides that the contract or agreement or any of its  
14 terms are confidential or that the parties to the agreement or contract  
15 are prohibited from disclosing, discussing, describing or commenting  
16 upon the terms of the agreement or contract.

17 § 4. The economic development law is amended by adding a new section  
18 107 to read as follows:

19 § 107. Non-disclosure agreements; prohibitions. Notwithstanding any  
20 other provision of law to the contrary, no agreement or contract entered  
21 into by the state or any instrumentality thereof, any municipality or  
22 public corporation for economic development, including but not limited  
23 to tax incentives, payments in lieu of taxes, tax abatements, bonds,  
24 notes, loans, grants or rebates, shall contain any provision, clause or  
25 language that provides that the contract or agreement or any of its  
26 terms are confidential or that the parties to the agreement or contract  
27 are prohibited from disclosing, discussing, describing or commenting  
28 upon the terms of the agreement or contract.

29 § 5. This act shall take effect immediately.