STATE OF NEW YORK

5711--A

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

Introduced by Sens. COMRIE, ADDABBO, GOUNARDES, SALAZAR, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 58 to read as follows:

§ 58. Reporting. (1) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Economic development benefits" shall mean and include the following:

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

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

(a-1) "Empire state economic development benefits" shall mean those economic development benefits made available to the urban development corporation and/or the department of economic development to award such benefits to qualified recipients, or those economic development benefits which are allocated to the corporation and/or such department but are

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

LBD10062-03-1

subsequently allocated to another state agency or other independent entities for them to make such awards to qualified recipients;

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

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

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

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

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

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

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

(2) Searchable state subsidy and aggregate economic development benefits database. Notwithstanding any laws to the contrary, the corporation, in cooperation with the department of economic development, shall create a searchable database, or modify an existing one, displaying Empire state economic development benefits that a qualified participant has been awarded. Such database shall also display other Empire state economic development benefits such qualified participant has received from another state agency provided that it is for the same particular project which received the Empire state economic development benefits. Such searchable database shall include, at a minimum, the following features and functionality:

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

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

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

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

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

(iv) the total number of employees at all sites utilizing such aggregate economic development benefits at the time of the agreement includ-

ing the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees;

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

(vi) the amount of aggregate economic development benefits received by a qualified participant during the year covered by the report, the amount of aggregate economic development benefits received by a qualified participant since the beginning of the project period, and the present value of the further aggregate economic development benefits committed to by the state, but not yet received by a qualified participant for the duration of the project;

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

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

(c) the ability to digitally select defined individual fields corresponding to any of the reported information from qualified participants to create unique database views;

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

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

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

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

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

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

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

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

18-j. to assist the urban development corporation to establish a searchable database pursuant to section fifty-eight of the urban development corporation act.

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