STATE OF NEW YORK

1275--A

2021-2022 Regular Sessions

IN SENATE

January 8, 2021

Introduced by Sens. KRUEGER, BIAGGI, GOUNARDES, LIU, MAY, SERRANO, 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 public authorities law, in relation to establishing a local authorities searchable subsidy and economic development benefits database; to amend the general municipal law, in relation to the obligations of certain industrial development agencies; and to amend the not-for-profit corporation law, in relation to the status of certain local development corporations

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

Section 1. The public authorities law is amended by adding a new section 8 to read as follows:

§ 8. Local authorities searchable subsidy and economic development benefits database. (1) For the purposes of this section, the following terms shall have the following meanings:

(a) "Economic development benefits" shall mean:

(i) funds made available by a local authority, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, for economic development, or job creation purposes including, but not limited to, grants, loans, loan guarantees, loan interest subsidies, and subsidies; and

(ii) tax credits, tax exemptions, reduced tax rates or other tax incentives which are applied for and preapproved or certified by or on behalf of a local authority, including without limitation any entity

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

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created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, for economic development.

(b) "Additional state economic development benefits" shall mean those economic development benefits made available to the local authority, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, by a state entity to award such benefits to qualified recipients.

(c) "Qualified participant" shall mean a person, business, limited liability corporation or any other entity that has applied for and received benefits as defined in paragraph (a) of this subdivision.

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

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

(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.

(g) "The office" shall mean the authorities budget office.

(i) "The database" or "the searchable database" shall mean the database created pursuant to subdivision two of this section.

(j) "the project" shall mean specific work, action, endeavor, contract or agreement for which any economic benefit as defined in paragraphs (a) and (b) of this subdivision, is made available or awarded by a local authority to, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, to a person, business, limited liability corporation or any other entity.

2. Notwithstanding any laws to the contrary, the office shall create a searchable database, displaying data regarding economic development benefits that a qualified participant has been awarded. Such database shall also separately display data regarding additional state economic development benefits and the aggregate total of benefits defined in paragraph (a) of subdivision one of this section, to the extent that such data has been made available to and is received by the office in the form and manner prescribed by the office. Such searchable database shall include, at a minimum, the following data, features and functionality to the extent practicable:

(a) the ability to search the database by each of the reported information fields;

(b) the ability to be searchable, downloadable, and updated quarterly, and posted on a publicly accessible website as well as referenced on the office's website, with a direct link to the database;

(c) the following data on projects shall be included:

(i) a qualified participant's name and project, project location, the project's complete address, including the postal code in a separate and 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 economic development benefits, as defined in paragraph (a) of subdivision one of this section, provided to a qualified participant, including the name of the program or programs through which such benefits are provided, and details as to whether such programs are grants or tax credit programs as a separate and searchable field. Such data shall be provided to the extent practicable for all contracts initiated six months after the effective date of this section;

(iv) the total number of employees at all entities utilizing such economic development benefits as defined in paragraph (a) of subdivision one of this section, at the time of the agreement, including the number of full-time equivalents, provided that any project hires or part-time jobs shall be displayed in separate fields and may be converted to full-time equivalents and denoted as such, to the extent practicable for all contracts initiated six months after the effective date of this section;

(v) for any economic development benefits as defined in paragraph (a) of subdivision one of this section that provides for job retention or job creation, that a qualified participant has been awarded, the total job creation commitments, job retention commitments, job creation actual number, and the job retention actual number, displayed in terms of full-time equivalents where any project hires or part-time jobs may be converted to full-time equivalents and denoted as such, the actual average wage by occupation or job classification and total payroll to be created as a result of the benefits, shall be provided, each displayed as separate and searchable fields;

(vi) the total and separate amount of economic development benefits defined in paragraph (a) of subdivision one of this section received by a qualified participant to date;

(vii) the total public-private investment made to a project, total public funding received by a project, and project status;

(viii) details related to individual project compliance indicating whether, during the current reporting quarter, the entity managing the award has reduced, cancelled, or recaptured any economic development benefits or additional state economic development benefits from a qualified participant, and, if so, the total amount of the reduction, cancellation, or recapture. Separately, a notation of penalties assessed shall be displayed in a separate and searchable field, as well as the reasons therefor in another separate and searchable field;

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

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

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

(xii) a summary of each separate economic development benefit defined in paragraph (a) of subdivision one of this section awarded to qualified participants;

(xiii) a user-friendly guide to outline the features and functionality of the database; and

(xiv) a dedicated email account for the public to direct questions related to the database, and the office mailing address, office telephone number, and name of the chief officer of the granting body.

3. Data related to subparagraphs (i) through (vi) of paragraph (c) of subdivision two of this section shall be analyzed for quality and accuracy by the entity or authority providing such funding to qualified recipients and managing the contracts related thereto. Upon submission of such data to the office for inclusion in the database, all awarding entities shall certify to the office that each field of project data accurately summarizes project investments and amounts and contains no known misrepresentation of material facts.

4. Upon request the office shall provide, or direct to a source providing, in an electronically accessible and downloadable form, any contracts or award agreements for projects included in the database, to the extent such contracts or award agreements are available to the

public pursuant to article six of the public officers law or any other law. Such contracts may, upon request from the office, be shared by the entity holding and managing such contract.

5. The office may request any data from qualified participants that is necessary and required in developing, updating, and maintaining the searchable database. Such qualified participants shall provide any such information requested by the office.

6. The office shall prescribe the form and manner in which a local authority awarding other state agency economic development benefits shall submit information and data regarding other state agency benefits as required for developing, updating, and maintaining the database and publish guidelines as needed to facilitate receipt of such data to comply with the provisions of this section, including the submission provisions of subdivision three of this section. The corporation, to the extent practicable, shall note on the database where a state agency or authority failed to submit the required data.

7. To effectuate the purposes of this section, the office may request and shall receive from any department, division, board, bureau, commission or other agency of the state, or any state or local public authority such assistance, information and data as will enable the office to carry out its powers and duties under this section.

§ 2. Section 2807 of public authorities law, as added by section 3 of part NNN of chapter 58 of the laws of 2022, is amended to read as follows:

§ 2807. 1. Reporting for searchable state subsidy and aggregate economic development benefits database. Notwithstanding any other provision of law to the contrary, every state authority shall submit to the urban development corporation, and update quarterly, in the form and manner prescribed by the urban development corporation, any and all data and information as necessary for developing, updating, and maintaining the database established in section fifty-eight of section one of chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, constituting the New York state urban development corporation act, regarding economic development benefits, as such term is defined in such section, awarded by such state authority. A state authority may request and shall receive any data from an individual, business, limited liability corporation or any other entity that has applied for and received approval for, or is the beneficiary of, any such economic development benefits, as is necessary and required to comply with this section.

2. Notwithstanding any other provision of law to the contrary, a local authority shall submit to the authorities budget office, and update quarterly, in the form and manner prescribed by the authorities budget office, any and all data and information as necessary for developing, updating, and maintaining the database established in section eight of the public authorities law, regarding economic development benefits, as the term is defined therein, awarded by such authority. A local authority may request and shall receive any data from a person, business, limited liability corporation or any other entity that has applied for and received approval for or is the beneficiary of, any such economic development benefits, as is necessary and required to comply with this section.

§ 3. The general municipal law is amended by adding a new section 859-d to read as follows:

§ 859-d. Reporting for the local authorities searchable subsidy and economic development benefits database. Notwithstanding any other

provision of law to the contrary, an industrial development agency shall submit to the authorities budget office, and update quarterly, in the form and manner prescribed by the authorities budget office, any and all data and information as necessary for developing, updating, and maintaining the database established in section eight of the public authorities law, regarding economic development benefits, as the term is defined therein, awarded by such industrial development agency. An Industrial Development agency may request and shall receive any data from a person, business, limited liability corporation or any other entity that has applied for and received approval for or is the beneficiary of, any such economic development benefits, as is necessary and required to comply with this section.

§ 4. Paragraph (i) of section 1411 of the not-for-profit corporation law is amended and a new paragraph (j) is added to read as follows:

(i) Effect of section.

Corporations incorporated or reincorporated under this section shall be organized and operated exclusively for the purposes set forth in paragraph (a) of this section, shall have, in addition to the powers otherwise conferred by law, the powers conferred by paragraph (c) of this section and shall be subject to all the restrictions and limitations imposed by paragraph (e) [~~and~~], paragraph (g), and paragraph (j) of this section. In so far as the provisions of this section are inconsistent with the provisions of any other law, general or special, the provisions of this section shall be controlling as to corporations incorporated or reincorporated hereunder.

(j) Public authorities law.

Notwithstanding any other provision of law to the contrary, a corporation incorporated or reincorporated under this section shall be considered a local authority under the public authorities law, and be subject to the provisions of section twenty-eight hundred seven of the public authorities law.

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