

# STATE OF NEW YORK

1737

2023-2024 Regular Sessions

## IN SENATE

January 13, 2023

Introduced by Sens. KRUEGER, GOUNARDES, LIU, MAY, SERRANO, SKOUFIS --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing  
a local authorities searchable subsidy and economic development bene-  
fits 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 Assem-  
bly, 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 limi-  
tation 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  
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

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

LBD03696-01-3

1 section fourteen hundred eleven of the not-for-profit corporation law,  
2 by a state entity to award such benefits to qualified recipients.

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

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

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

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

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

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

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

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

33 (a) the ability to search the database by each of the reported infor-  
34 mation fields;

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

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

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

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

44 (iii) the type of such economic development benefits, as defined in  
45 paragraph (a) of subdivision one of this section, provided to a quali-  
46 fied participant, including the name of the program or programs through  
47 which such benefits are provided, and details as to whether such  
48 programs are grants or tax credit programs as a separate and searchable  
49 field. Such data shall be provided to the extent practicable for all  
50 contracts initiated six months after the effective date of this section;

51 (iv) the total number of employees at all entities utilizing such  
52 economic development benefits as defined in paragraph (a) of subdivision  
53 one of this section, at the time of the agreement, including the number  
54 of full-time equivalents, provided that any project hires or part-time  
55 jobs shall be displayed in separate fields and may be converted to full-

1 time equivalents and denoted as such, to the extent practicable for all  
2 contracts initiated six months after the effective date of this section;  
3 (v) for any economic development benefits as defined in paragraph (a)  
4 of subdivision one of this section that provides for job retention or  
5 job creation, that a qualified participant has been awarded, the total  
6 job creation commitments, job retention commitments, job creation actual  
7 number, and the job retention actual number, displayed in terms of full-  
8 time equivalents where any project hires or part-time jobs may be  
9 converted to full-time equivalents and denoted as such, the actual aver-  
10 age wage by occupation or job classification and total payroll to be  
11 created as a result of the benefits, shall be provided, each displayed  
12 as separate and searchable fields;

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

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

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

26 (ix) the ability to digitally select defined individual fields corre-  
27 sponding to any of the reported information from qualified participants  
28 to create unique database views;

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

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

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

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

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

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

48 4. Upon request the office shall provide, or direct to a source  
49 providing, in an electronically accessible and downloadable form, any  
50 contracts or award agreements for projects included in the database, to  
51 the extent such contracts or award agreements are available to the  
52 public pursuant to article six of the public officers law or any other  
53 law. Such contracts may, upon request from the office, be shared by the  
54 entity holding and managing such contract.

55 5. The office may request any data from qualified participants that is  
56 necessary and required in developing, updating, and maintaining the

1 searchable database. Such qualified participants shall provide any such  
2 information requested by the office.

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

12 7. To effectuate the purposes of this section, the office may request  
13 and shall receive from any department, division, board, bureau, commis-  
14 sion or other agency of the state, or any state or local public authori-  
15 ty such assistance, information and data as will enable the office to  
16 carry out its powers and duties under this section.

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

20 § 2807. 1. Reporting for searchable state subsidy and aggregate  
21 economic development benefits database. Notwithstanding any other  
22 provision of law to the contrary, every state authority shall submit to  
23 the urban development corporation, and update quarterly, in the form and  
24 manner prescribed by the urban development corporation, any and all data  
25 and information as necessary for developing, updating, and maintaining  
26 the database established in section fifty-eight of section one of chap-  
27 ter one hundred seventy-four of the laws of nineteen hundred sixty-  
28 eight, constituting the New York state urban development corporation  
29 act, regarding economic development benefits, as such term is defined in  
30 such section, awarded by such state authority. A state authority may  
31 request and shall receive any data from an individual, business, limited  
32 liability corporation or any other entity that has applied for and  
33 received approval for, or is the beneficiary of, any such economic  
34 development benefits, as is necessary and required to comply with this  
35 section.

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

48 § 3. The general municipal law is amended by adding a new section  
49 859-d to read as follows:

50 § 859-d. Reporting for the local authorities searchable subsidy and  
51 economic development benefits database. Notwithstanding any other  
52 provision of law to the contrary, an industrial development agency shall  
53 submit to the authorities budget office, and update quarterly, in the  
54 form and manner prescribed by the authorities budget office, any and all  
55 data and information as necessary for developing, updating, and main-  
56 taining the database established in section eight of the public author-

ities 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.