STATE OF NEW YORK

545

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sens. GIANARIS, COMRIE, MAY, RAMOS -- 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:

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the urban development corporation act, is amended by adding a new section 11-a to read as follows:

§ 11-a. Non-disclosure agreements; prohibitions. Notwithstanding any other provision of law to the contrary, no agreement or contract entered into by the state or any instrumentality thereof, any party negotiating on behalf of such governmental entity, any municipality or public corporation for projects, including but not limited to tax incentives, payments in lieu of taxes, tax abatements, bonds, notes, loans, grants or rebates, shall contain any provision, clause or language that provides that the contract or agreement or any of its terms are confidential or that the parties to the agreement or contract are prohibited from disclosing, discussing, describing or commenting upon the terms of the agreement or contract.

§ 2. The state finance law is amended by adding a new section 149 to read as follows:

§ 149. Non-disclosure agreements; prohibitions. Notwithstanding any other provision of law to the contrary, no agreement or contract entered into by the state or any state agency or public authority for economic development, or any party negotiating on behalf of such governmental entity, including but not limited to tax incentives, payments in lieu of

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

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taxes, tax abatements, bonds, notes, loans, grants or rebates, shall contain any provision, clause or language that provides that the contract or agreement or any of its terms are confidential or that the parties to the agreement or contract are prohibited from disclosing, discussing, describing or commenting upon the terms of the agreement or contract.

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

§ 99-z. Non-disclosure agreements; prohibitions. Notwithstanding any other provision of law to the contrary, no agreement or contract entered into by a municipal corporation, political subdivision, any party negotiating on behalf of such governmental entity, public authority or local authority for economic development, including but not limited to tax incentives, payments in lieu of taxes, tax abatements, bonds, notes, loans, grants or rebates, shall contain any provision, clause or language that provides that the contract or agreement or any of its terms are confidential or that the parties to the agreement or contract are prohibited from disclosing, discussing, describing or commenting upon the terms of the agreement or contract.

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

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

§ 5. This act shall take effect immediately.