

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:

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 party negotiating
7 on behalf of such governmental entity, any municipality or public corpo-
8 ration for projects, including but not limited to tax incentives,
9 payments in lieu of taxes, tax abatements, bonds, notes, loans, grants
10 or rebates, shall contain any provision, clause or language that
11 provides that the contract or agreement or any of its terms are confi-
12 dential or that the parties to the agreement or contract are prohibited
13 from disclosing, discussing, describing or commenting upon the terms of
14 the agreement or contract.

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

17 § 149. Non-disclosure agreements; prohibitions. Notwithstanding any
18 other provision of law to the contrary, no agreement or contract entered
19 into by the state or any state agency or public authority for economic
20 development, or any party negotiating on behalf of such governmental
21 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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1 taxes, tax abatements, bonds, notes, loans, grants or rebates, shall
2 contain any provision, clause or language that provides that the
3 contract or agreement or any of its terms are confidential or that the
4 parties to the agreement or contract are prohibited from disclosing,
5 discussing, describing or commenting upon the terms of the agreement or
6 contract.

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

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

20 § 4. The economic development law is amended by adding a new section
21 107 to read as follows:

22 § 107. Non-disclosure agreements; prohibitions. Notwithstanding any
23 other provision of law to the contrary, no agreement or contract entered
24 into by the state or any instrumentality thereof, any party negotiating
25 on behalf of such governmental entity, any municipality or public corpo-
26 ration for economic development, including but not limited to tax incen-
27 tives, payments in lieu of taxes, tax abatements, bonds, notes, loans,
28 grants or rebates, shall contain any provision, clause or language that
29 provides that the contract or agreement or any of its terms are confi-
30 dential or that the parties to the agreement or contract are prohibited
31 from disclosing, discussing, describing or commenting upon the terms of
32 the agreement or contract.

33 § 5. This act shall take effect immediately.