

4225

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 2, 2009

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Introduced by M. of A. CROUCH, KOLB, BURLING -- Multi-Sponsored by -- M.  
of A. BACALLES, FINCH -- read once and referred to the Committee on  
Small Business

AN ACT to amend the economic development law, in relation to directing  
the department of economic development to study the attrition of small  
retail businesses from the state and create a pilot program to help  
maintain the existence of small businesses within the state and to  
train and counsel small business owners and potential small business  
owners; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature finds that the number  
2     of small businesses located within the boundaries of the state is  
3     decreasing at a rapid pace. In today's market place, the small business  
4     owner struggles to compete with the large corporate chain stores. The  
5     legislature further finds that the existence of these small businesses  
6     within the state is crucial toward the strengthening of the state's  
7     economy. Therefore, it is imperative that steps be taken to help ensure  
8     the future existence and stability of these small businesses.  
9     S 2. The department of economic development is hereby directed to  
10    conduct a comprehensive study relating to the ability to retain small  
11    retail businesses within the state and is further directed to make  
12    recommendations in accordance with its findings. Such study shall  
13    include, but not be limited to:  
14    1. The economic feasibility to grant money to communities to establish  
15    small retail business retention and development plans.  
16    2. The possibility of subsidizing, either in whole or in part, retail  
17    entrepreneur education programs for small business owners throughout the  
18    state.

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

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1 3. The use of tax credits, both income and property, for small retail  
2 business owners to lessen their financial burden and to help them  
3 compete with the highly funded corporation.

4 4. The possibility of implementing legislation guaranteeing loans to  
5 small retail business owners at a low, fixed interest rate.

6 5. The economic feasibility to grant money to small retail business  
7 owners for the upgrade of certain equipment.

8 6. The ability to create a small business incentive program. Such  
9 program would:

10 a. require small retail business owners participating in the program  
11 to commit to a five year program consisting of entrepreneur education  
12 classes, management training, and consultations with financial advisors.

13 b. be devised so as to create incentives for banking institutions to  
14 participate in the growth and production of new and existing small  
15 retail businesses.

16 S 3. A report of the findings of such study, recommendations, and any  
17 proposed legislation necessary to implement such recommendations shall  
18 be filed with the governor, the temporary president of the senate, and  
19 the speaker of the assembly within one year after the effective date of  
20 this act.

21 S 4. The economic development law is amended by adding a new section  
22 139 to read as follows:

23 S 139. SMALL BUSINESS OWNER AND POTENTIAL SMALL BUSINESS OWNER TRAIN-  
24 ING PILOT PROGRAM. 1. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED  
25 TO ESTABLISH A SMALL BUSINESS OWNER AND POTENTIAL SMALL BUSINESS OWNER  
26 TRAINING PROGRAM WITHIN NEW YORK STATE. THE PURPOSE OF THE PILOT PROGRAM  
27 IS TO PREVENT THE DEMISE OF SMALL RETAIL BUSINESSES WITHIN THE STATE.  
28 THIS PILOT PROGRAM SEEKS TO PROMOTE THE GROWTH OF SMALL RETAIL BUSI-  
29 NESSES BY ENCOURAGING STATE AND LOCAL CHAMBERS OF COMMERCE AND OTHER  
30 LOCAL BUSINESS PROMOTING ENTITIES TO CREATE SMALL RETAIL BUSINESS TRAIN-  
31 ING AND COUNSEL TO PROSPECTIVE BUSINESS OWNERS.

32 THE COMMISSIONER SHALL PROMULGATE REGULATIONS AND REQUIREMENTS FOR THE  
33 ESTABLISHMENT OF A SMALL BUSINESS OWNER AND POTENTIAL SMALL BUSINESS  
34 OWNER TRAINING PROGRAM. A CHAMBER OF COMMERCE OR ANY OTHER LOCAL BUSI-  
35 NESS PROMOTING ENTITY INTERESTED IN PARTICIPATING IN THIS PILOT PROGRAM  
36 SHALL SUBMIT A PROPOSAL FOR APPROVAL BY THE COMMISSIONER WHICH  
37 DESCRIBES:

38 A. THE SPECIFIC SMALL BUSINESS POPULATION TO BE SERVED;

39 B. THE MANNER IN WHICH SUCH SMALL BUSINESSES WILL BE IDENTIFIED;

40 C. THE SPECIFIC SMALL RETAIL BUSINESS TRAINING AND COUNSEL TO BUSINESS  
41 OWNERS AND PROSPECTIVE BUSINESS OWNERS TO BE PROVIDED;

42 D. THE MANNER IN WHICH SUCH SMALL RETAIL BUSINESS TRAINING AND COUNSEL  
43 TO BUSINESS OWNERS AND PROSPECTIVE BUSINESS OWNERS SHALL BE PROVIDED;

44 E. ALL ASSOCIATED COSTS;

45 F. THE EXPECTED BENEFITS OF THE TRAINING PROGRAM;

46 G. THE METHOD TO BE UTILIZED TO MEASURE THE EFFECTIVENESS OF THE  
47 TRAINING PROGRAM; AND

48 H. SUCH OTHER INFORMATION AS THE COMMISSIONER MAY DEEM NECESSARY TO  
49 ASSURE THE SUCCESS OF THE SMALL BUSINESS OWNER AND POTENTIAL SMALL BUSI-  
50 NESS OWNER TRAINING PILOT PROGRAM.

51 2. APPROVAL AND TERMS OF SPONSORS AND SMALL BUSINESS OWNER AND POTEN-  
52 TIAL SMALL BUSINESS OWNER PROGRAMS. THE WRITTEN APPROVAL OF A SPONSOR'S  
53 APPLICATION BY THE COMMISSIONER SHALL CONSTITUTE AUTHORIZATION TO A  
54 SPONSOR TO COMMENCE A SMALL BUSINESS OWNER AND POTENTIAL SMALL BUSINESS  
55 OWNER PROGRAM.

1 SUCH AUTHORIZATION SHALL BE IN EFFECT FOR THREE YEARS, ABSENT REVOCA-  
2 TION OR EXTENSION BY THE COMMISSIONER.

3 3. REPORTING AND EVALUATION OF THE PROGRAM. ON OR BEFORE EACH ONE YEAR  
4 ANNIVERSARY OF THE PILOT PROGRAM'S INCEPTION, THE COMMISSIONER SHALL  
5 SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE CONCERNING THE  
6 PROGRAMS ESTABLISHED IN THIS SECTION AND SHALL PROVIDE AN EVALUATION AS  
7 TO THE EFFECTIVENESS OF THE PILOT PROGRAM IN MEETING THE PURPOSES FOR  
8 WHICH IT WAS ESTABLISHED. SUCH REPORT SHALL ALSO RECOMMEND WHETHER THE  
9 PILOT PROGRAM SHOULD BE EXPANDED TO ADDITIONAL LOCATIONS IN THE STATE  
10 AND SHALL ESTIMATE THE FINANCIAL COST OF ANY SUCH EXPANSION.

11 S 5. The sum of two hundred ten thousand dollars (\$210,000), or so  
12 much thereof as may be necessary, is hereby appropriated to the depart-  
13 ment of economic development from any moneys in the state treasury in  
14 the general fund not otherwise appropriated for services and expenses;  
15 including the expenses of the department of economic development, for  
16 the purposes of carrying out the provisions of this act. Such sum shall  
17 be payable on the audit and warrant of the state comptroller on vouchers  
18 certified or approved by the commissioner of economic development, or  
19 his duly designated representative in the manner provided by law. Not  
20 more than fifteen percent of the monies hereby appropriated may be  
21 expended for the costs of the department of economic development.

22 S 6. This act shall take effect immediately.