

4097

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. MILLMAN, PEOPLES, WEPRIN -- Multi-Sponsored by --
M. of A. ALFANO, BENJAMIN, BRODSKY, CLARK, COOK, DESTITO, ESPAILLAT,
FIELDS, GREENE, JACOBS, PERRY, P. RIVERA, SCHROEDER, WEINSTEIN -- read
once and referred to the Committee on Small Business

AN ACT to amend the economic development law, in relation to membership
of the small-business advisory board and the minority and women-owned
business advisory board; and to amend the economic development law,
the executive law, and the state finance law, in relation to the
powers and duties of the division for small-business and the division
of minority and women's business development

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

1 Section 1. Subdivision 1 of section 120 of the economic development
2 law, as added by chapter 55 of the laws of 1992, is amended to read as
3 follows:
4 1. There is hereby created in the division of minority and women's
5 business development a minority and women-owned business enterprise
6 advisory board. The board shall consist of [ten] TWELVE members to be
7 appointed by the governor. The governor shall designate a chairperson
8 from the members of the advisory board, to serve as such at the pleasure
9 of the governor. In appointing the members of the advisory board the
10 governor shall ensure that six of the members are individuals who are
11 currently involved in the ownership and/or operation of a minority or
12 women-owned business enterprise or who have extensive experience in
13 minority and women-owned business enterprise ownership and/or operation,
14 AND THAT AT LEAST TWO OF THE MEMBERS ARE INDIVIDUALS REPRESENTING BANK-
15 ING, COMMUNITY DEVELOPMENT FINANCIAL, INSURANCE OR SURETY BONDING INSTI-
16 TUTIONS.
17 S 2. Subdivision 1 of section 133 of the economic development law, as
18 amended by chapter 457 of the laws of 1981, is amended to read as
19 follows:

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

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1 1. There is hereby created in the division for small business a small
2 business advisory board. The board shall consist of [fifteen] SEVENTEEN
3 members to be appointed by the governor, with the advice and consent of
4 the senate. The governor shall designate a chairman from the members of
5 the advisory board, to serve as such at the pleasure of the governor. In
6 appointing the members of the advisory board the governor shall ensure
7 that at least nine of the members are individuals who are currently
8 involved in the ownership and/or operation of a small business or who
9 have extensive experience in small business ownership and/or operation,
10 AND THAT AT LEAST TWO OF THE MEMBERS ARE INDIVIDUALS REPRESENTING BANK-
11 ING, COMMUNITY DEVELOPMENT FINANCIAL, INSURANCE OR SURETY BONDING INSTI-
12 TUTIONS.

13 S 3. Subdivision 8 of section 134 of the economic development law, as
14 amended by chapter 840 of the laws of 1980, is amended to read as
15 follows:

16 8. initiate and encourage small-business education programs in general
17 and to coordinate with the functions of the office of general services[,
18 pursuant to subdivision (b) of section one hundred sixty-one-b of the
19 state finance law,] an information and outreach program directed toward
20 informing small-businesses in the state of procedures necessary for
21 competing for state purchases and to coordinate with the functions of
22 every state agency, department or authority described in section one
23 hundred thirty-nine-g of the state finance law, pursuant to subdivision
24 (b) of section one hundred thirty-nine-g of the state finance law, an
25 information and outreach program directed toward informing small-busi-
26 nesses in the state of procedures necessary for competing for state
27 contracts, INCLUDING WITHOUT LIMITATION EDUCATING SMALL CONTRACTORS
28 ABOUT SURETY BONDING REQUIREMENTS ON STATE CONTRACTS, AND IDENTIFYING
29 RESOURCES AVAILABLE TO SUCH CONTRACTORS IN OBTAINING THEIR FIRST BOND
30 AND IN INCREASING THEIR BONDING CAPACITY, INCLUDING BUT NOT LIMITED TO
31 THE FEDERAL SMALL BUSINESS ADMINISTRATION BOND GUARANTEE PROGRAM.

32 S 4. Section 134 of the economic development law is amended by adding
33 a new subdivision 11 to read as follows:

34 11. PROVIDE ASSISTANCE TO SMALL BUSINESS IN THE STATE, AND FACILITATE
35 ACCESS TO PROGRAMS SERVING SMALL BUSINESS, TO ENSURE THAT SUCH BUSI-
36 NESSES BENEFIT, AS NEEDED, FROM TECHNICAL, MANAGERIAL, FINANCIAL, AND
37 GENERAL BUSINESS ASSISTANCE; TRAINING; MARKETING; ORGANIZATION AND
38 PERSONNEL SKILL DEVELOPMENT; PROJECT MANAGEMENT ASSISTANCE; TECHNOLOGY
39 ASSISTANCE; BOND AND INSURANCE EDUCATION ASSISTANCE; AND OTHER BUSINESS
40 DEVELOPMENT ASSISTANCE. IN ADDITION, EITHER INDEPENDENTLY OR IN CONJUNC-
41 TION WITH OTHER STATE AGENCIES:

42 (A) DEVELOP A CLEARINGHOUSE OF INFORMATION ON PROGRAMS AND SERVICES
43 PROVIDED BY ENTITIES THAT MAY ASSIST SUCH BUSINESSES; AND

44 (B) SEEK TO MAXIMIZE UTILIZATION BY SMALL BUSINESSES OF AVAILABLE
45 FEDERAL RESOURCES INCLUDING BUT NOT LIMITED TO FEDERAL GRANTS, LOANS,
46 LOAN GUARANTEES, SURETY BONDING GUARANTEES, TECHNICAL ASSISTANCE, AND
47 PROGRAMS AND SERVICES OF THE FEDERAL SMALL BUSINESS ADMINISTRATION.

48 S 5. Subdivision 4 of section 311 of the executive law, as added by
49 chapter 261 of the laws of 1988, is amended to read as follows:

50 4. The director may provide assistance to, AND FACILITATE ACCESS TO
51 PROGRAMS SERVING certified businesses as well as applicants to ensure
52 that such businesses benefit, as needed, from technical, managerial and
53 financial [assistance and other business development programs], AND
54 GENERAL BUSINESS ASSISTANCE; TRAINING; MARKETING; ORGANIZATION AND
55 PERSONNEL SKILL DEVELOPMENT; PROJECT MANAGEMENT ASSISTANCE; TECHNOLOGY
56 ASSISTANCE; BOND AND INSURANCE EDUCATION ASSISTANCE; AND OTHER BUSINESS

1 DEVELOPMENT ASSISTANCE. In addition, the director may, either independ-
2 ently or in conjunction with other state agencies:

3 (a) develop a clearinghouse of information on programs and services
4 provided by entities that may assist such businesses; [and]

5 (b) review bonding and paperwork requirements imposed by contracting
6 agencies that may unnecessarily impede the ability of such businesses to
7 compete[.]; AND

8 (C) SEEK TO MAXIMIZE UTILIZATION BY MINORITY AND WOMEN-OWNED BUSINESS
9 ENTERPRISES OF AVAILABLE FEDERAL RESOURCES INCLUDING BUT NOT LIMITED TO
10 FEDERAL GRANTS, LOANS, LOAN GUARANTEES, SURETY BONDING GUARANTEES, TECH-
11 NICAL ASSISTANCE, AND PROGRAMS AND SERVICES OF THE FEDERAL SMALL BUSI-
12 NESS ADMINISTRATION.

13 S 6. Subparagraph (v) of paragraph b of subdivision 3 of section 163
14 of the state finance law, as added by chapter 95 of the laws of 2000, is
15 amended to read as follows:

16 (v) With the assistance of the department of economic development and
17 other state agencies, provide a training program once per year, in each
18 economic development region, as established in article eleven of the
19 economic development law, beginning January first, two thousand one, for
20 those businesses certified pursuant to article fifteen-A of the execu-
21 tive law and those interested in becoming certified. Such training
22 program shall provide assistance with respect to participation as a
23 vendor in the procurement process, as established in this article, AND
24 INCLUDING WITHOUT LIMITATION EDUCATING MINORITY AND WOMEN CONTRACTORS
25 ABOUT SURETY BONDING REQUIREMENTS ON STATE CONTRACTS, AND IDENTIFYING
26 RESOURCES AVAILABLE TO SUCH CONTRACTORS IN OBTAINING THEIR FIRST BOND
27 AND IN INCREASING THEIR BONDING CAPACITY, INCLUDING BUT NOT LIMITED TO
28 THE FEDERAL SMALL BUSINESS ADMINISTRATION BOND GUARANTEE PROGRAM.

29 S 7. This act shall take effect immediately; provided, however, that
30 the amendments to subdivision 4 of section 311 of the executive law made
31 by section five of this act shall not affect the expiration of such
32 section and shall be deemed to expire therewith; provided further that
33 the amendment to section 163 of the state finance law made by section
34 six of this act shall not affect the repeal of such section and shall be
35 deemed to be repealed therewith; and provided further that the addi-
36 tional appointments required by subdivision 1 of section 120 and subdi-
37 vision 1 of section 133 of the economic development law, as amended by
38 sections one and two, respectively, of this act shall be made no later
39 than April 1, 2010.