S T A T E O F N E W Y O R K

6365

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. TOWNS, GREENE, ALFANO -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the New York state urban development corporation act, in relation to export trade development projects; and to repeal section 221 of the economic development law relating thereto

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

Section 1. Statement of legislative intent. Participation in the fast-paced and intensely competitive global marketplace by New York state businesses is critical for the long term economic stability of the state. Several barriers exist, however, for small businesses seeking to enter the export market. Small businesses are often overlooked as potential exporters of goods and services thus information to begin and maintain an export program is therefore not targeted to them. For example, strategic financial information and assistance, such as access to capital and letters of credit, is essential to the growth of small business exports. In addition to access to capital, small businesses need support to form working alliances with other countries, train staff, and to understand the technical aspects of successful export operations.

At the present time, New York, with many international companies with easy access to international ports is a major exporter. According to the International Trade Administration, New York state exports in 2002 were valued at greater than $36,000,000, which makes the state the third largest exporter in the United States. But the state cannot remain static if it is to grow, and it must develop a strategy and programs to encourage and assist small to medium-sized companies, not yet taking full advantage of the promises of international trade, to participate in the expanding global economy. In order for New York state's economy to continue to grow and expand in the future, new global marketing opportu-

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

LBD08624-01-9

nities must not only be identified but must also be made readily accessible to companies of all sizes.

S 2. Section 221 of the economic development law is REPEALED.

S 3. Section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act is amended by adding a new section 16-t to read as follows:

S 16-T. EXPORT TRADE DEVELOPMENT PROJECTS. 1. THE CORPORATION IS HEREBY AUTHORIZED TO PROVIDE ASSISTANCE TO EXPORT TRADE DEVELOPMENT PROJECTS DESIGNED TO ENCOURAGE AND ASSIST BUSINESSES, INDUSTRIAL FIRMS OR INDUSTRY GROUPS TO ENGAGE IN EXPORT TRADE AND TO COORDINATE OTHER STATE ECONOMIC DEVELOPMENT PROGRAMS WITH SUCH PROJECTS.

2. THE CORPORATION SHALL GIVE PREFERENCE TO EXPORT TRADE DEVELOPMENT PROJECTS WHICH BENEFIT THOSE BUSINESSES WHICH ARE RESIDENTS IN THE STATE, INDEPENDENTLY OWNED AND OPERATED, NOT DOMINANT IN THEIR FIELDS, EMPLOY FIVE HUNDRED EMPLOYEES OR LESS, AND ARE LOCATED IN A GEOGRAPHIC AREA DEMONSTRATING A NEED FOR SUCH SERVICES.

3. AN EXPORT TRADE COMMITTEE IS HEREBY ESTABLISHED TO MAKE RECOMMENDATIONS TO THE CORPORATION PRIOR TO SUCH CORPORATION'S APPROVAL OF PROPOSED EXPORT TRADE DEVELOPMENT PROJECTS. MEMBERS OF THE COMMITTEE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CHAIRPERSON, A REPRESENTATIVE OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, AND AT LEAST TWO REPRESENTATIVES OF THE PRIVATE SECTOR EXPERIENCED IN EXPORT TRADE TO BE SELECTED BY THE CHAIRPERSON, AT LEAST ONE OF WHOM SHALL BE FROM A SMALL BUSINESS ENTERPRISE.

4. THE CORPORATION SHALL ACTIVELY SEEK TO IDENTIFY AND DISSEMINATE INFORMATION TO ENTITIES WHICH MAY BE ELIGIBLE TO RECEIVE ASSISTANCE PURSUANT TO THIS SECTION AND SHALL MAKE AWARDS, SUBJECT TO AVAILABLE APPROPRIATIONS, FOR EXPORT TRADE DEVELOPMENT PROJECTS ON A COMPETITIVE BASIS.

(A) ENTITIES ELIGIBLE TO APPLY FOR FUNDING FOR AN EXPORT TRADE DEVELOPMENT PROJECT SHALL INCLUDE PUBLIC BENEFIT CORPORATIONS, NOT-FOR-PROFIT CORPORATIONS, LOCAL DEVELOPMENT CORPORATIONS, INDUSTRIAL DEVELOPMENT AUTHORITIES, TRADE ASSOCIATIONS, EDUCATIONAL INSTITUTIONS AND OTHER NOT-FOR-PROFIT ORGANIZATIONS WHICH PROMOTE ECONOMIC DEVELOPMENT.

(B) APPLICANTS SHALL BE REQUIRED TO DEMONSTRATE:

(I) THEIR ABILITY TO PROVIDE THE SERVICES PROPOSED;

(II) THE POTENTIAL FOR THE INITIATION OR EXPANSION OF EXPORT TRADE FROM THE AREA TO BE SERVED;

(III) THE AVAILABILITY OR UNAVAILABILITY OF EXPORT CREDIT AND EXPORT TECHNICAL ASSISTANCE FROM OTHER SOURCES IN THE AREA TO BE SERVED;

(IV) THE METHODS TO BE USED TO COORDINATE THE DELIVERY OF STATE AND LOCAL EXPORT PROMOTION RESOURCES;

(V) THE POSSIBILITY THAT THE SERVICES TO BE FUNDED WOULD BECOME SELF-SUSTAINING;

(VI) THE POTENTIAL TO DUPLICATE THE PROJECT ELSEWHERE IN THE STATE;

(VII) THE PARTICIPATION OF LOCAL AND REGIONAL ECONOMIC DEVELOPMENT ORGANIZATIONS; AND

(VIII) THEIR ABILITY TO PROVIDE A PROGRAM BUDGET, INCLUDING MATCHING FUNDS, IN-KIND AND OTHERWISE.

(C) A PROJECT ELIGIBLE TO BE AN EXPORT TRADE DEVELOPMENT PROJECT MAY INCLUDE, BUT NOT BE LIMITED TO, ANY PROJECT TO PROVIDE ONE OR MORE OF THE FOLLOWING SERVICES:

(I) EXPORT MARKET ANALYSIS;

(II) FOREIGN DIRECT INVESTMENT LEADS;

(III) EXPORT TRADE PROMOTION;

(IV) EXPORT TRADE EDUCATION;

(V) EXPORT TRADE ASSISTANCE ON THE TECHNICAL ASPECTS AND LOGISTICS OF EXPORTING;
(VI) EXPORT TRADE FINANCE TECHNICAL ASSISTANCE;
(VII) THE DEVELOPMENT OF STRATEGIC ALLIANCES AMONG INDUSTRY GROUPS FOR THE PURPOSES OF EXPORTING; OR
(VIII) EXPORT TRADE FINANCE.
5. NO SINGLE GRANT FOR EXPORT TRADE DEVELOPMENT PROJECTS PROVIDING TECHNICAL ASSISTANCE SHALL EXCEED ONE HUNDRED THOUSAND DOLLARS AND NO SINGLE GRANT FOR EXPORT TRADE DEVELOPMENT PROJECTS PROVIDING FINANCIAL ASSISTANCE SHALL EXCEED TWO HUNDRED THOUSAND DOLLARS. THE CORPORATION MAY MAKE SUCH GRANTS FROM ANY FUNDS WHICH MAY BE APPROPRIATED OR OTHERWISE AUTHORIZED FOR THE PURPOSES OF THIS SECTION.
S 4. This act shall take effect immediately.