

1567--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KOLB, OAKS, PALMESANO, STEC -- Multi-Sponsored by
-- M. of A. BUTLER -- read once and referred to the Committee on
Economic Development -- recommitted to the Committee on Economic
Development in accordance with Assembly Rule 3, sec. 2 -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

AN ACT to amend the economic development law, in relation to establish-
ing an economic gardening pilot program within the department of
economic development

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

1 Section 1. The economic development law is amended by adding a new
2 article 22 to read as follows:

3 ARTICLE 22
4 GROWNY PROGRAM

5 SECTION 450. GROWNY PILOT PROGRAM.

6 S 450. GROWNY PILOT PROGRAM. 1. (A) THERE IS HEREBY CREATED WITHIN THE
7 DEPARTMENT THE GROWNY PILOT PROGRAM. THE PURPOSE OF THE PILOT PROGRAM IS
8 TO STIMULATE INVESTMENT IN THE STATE ECONOMY BY PROVIDING TECHNICAL
9 ASSISTANCE FOR EXPANDING BUSINESSES IN THE STATE.

10 (B) THE DEPARTMENT IS AUTHORIZED AND DIRECTED TO PROMULGATE ALL NECES-
11 SARY RULES AND REGULATIONS REQUIRED TO IMPLEMENT THE GROWNY PILOT
12 PROGRAM.

13 2. (A) THE DEPARTMENT SHALL CONTRACT WITH REGIONAL NON-PROFIT ECONOMIC
14 DEVELOPMENT ENTITIES TO ADMINISTER THE PILOT PROGRAM UNDER THIS SECTION.
15 THE DEPARTMENT SHALL AWARD COMPETITIVE GRANTS OF UP TO FIVE HUNDRED
16 THOUSAND DOLLARS A YEAR FOR A PERIOD OF UP TO FIVE YEARS TO EACH ENTITY
17 THAT DEMONSTRATES THE ABILITY TO IMPLEMENT THE PILOT PROGRAM IN THEIR
18 REGION, HAS AN OUTREACH PLAN, AND HAS THE ABILITY TO PROVIDE COUNSELING

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

LBD03323-02-4

1 SERVICES, ACCESS TO TECHNOLOGY AND INFORMATION, MARKETING SERVICES AND
2 ADVICE, BUSINESS MANAGEMENT SUPPORT, AND OTHER SIMILAR SERVICES.

3 (B) CONTRACTS WITH SELECTED ECONOMIC DEVELOPMENT ENTITIES SHALL BE FOR
4 A PERIOD OF FIVE YEARS AND SHALL BE REEVALUATED BY THE DEPARTMENT EVERY
5 TWELVE MONTHS TO ENSURE SUCH ENTITIES CONTINUE TO PROVIDE A POSITIVE
6 ECONOMIC BENEFIT TO THE COMMUNITY AND CONFORM TO THE PROGRAM CRITERIA.
7 CONTRACTED ENTITIES SHALL NOT LIMIT SERVICES OFFERED UNDER THIS PROGRAM
8 TO MEMBERS OF SUCH ENTITY AND SHALL SEEK TO PROVIDE ECONOMIC GARDENING
9 SERVICES TO EVERY ELIGIBLE BUSINESS THAT MEETS THE CRITERIA OF THE
10 PROGRAM.

11 (C) CONTRACTED ENTITIES SHALL COORDINATE THEIR EFFORTS WITH THE LOCAL
12 NEW YORK STATE SMALL BUSINESS DEVELOPMENT CENTER OR OTHER LEAD ECONOMIC
13 DEVELOPMENT ORGANIZATIONS IN COUNTIES AND CITIES WITHIN THE REGION OF
14 THE CONTRACTED ENTITY AND SHALL ESTABLISH A REFERRAL SYSTEM AND LINKAGES
15 TO EXISTING AREA SMALL BUSINESS ASSISTANCE PROGRAMS AND FINANCING SOURC-
16 ES.

17 3. A CONTRACTED ENTITY ADMINISTERING THE PILOT PROGRAM SHALL PROVIDE
18 TECHNICAL ASSISTANCE FOR ELIGIBLE BUSINESSES WHICH INCLUDES, BUT IS NOT
19 LIMITED TO:

20 (A) ACCESS TO AFFORDABLE INFORMATION SERVICES AND CONSULTING SERVICES,
21 INCLUDING INFORMATION ON MARKETS, CUSTOMERS, AND COMPETITORS, BUSINESS
22 DATABASES, GEOGRAPHIC INFORMATION SYSTEMS, INTERNET AND SOCIAL MEDIA
23 STRATEGIES, BUSINESS TO BUSINESS REFERRALS, AND SEARCH ENGINE OPTIMIZA-
24 TION;

25 (B) DEVELOPMENT OF BUSINESS CONNECTIONS, INCLUDING INTERACTION AND
26 EXCHANGE AMONG BUSINESS OWNERS AND RESOURCE PROVIDERS, INCLUDING
27 COLLEGES AND UNIVERSITIES, TRADE ASSOCIATIONS, THINK TANKS, ACADEMIC
28 INSTITUTIONS, BUSINESS ROUNDTABLES, FINANCIAL SERVICE AND WORKFORCE
29 DEVELOPMENT PROVIDERS, PEER-TO-PEER LEARNING SESSIONS, AND MENTORING
30 PROGRAMS;

31 (C) ASSISTANCE IN DEVELOPING A LISTING OF SHOVEL READY SITES CURRENTLY
32 AVAILABLE TO THE NEEDS OF THE BUSINESS;

33 (D) ASSISTANCE IN UNDERSTANDING STATE LAWS AND REGULATIONS APPLICABLE
34 TO SUCH BUSINESS;

35 (E) ANY OTHER FORM OF CONSULTATION AND TECHNICAL ASSISTANCE THAT MAY
36 BE PROVIDED TO THE ELIGIBLE BUSINESS TO ASSIST WITH ITS BUSINESS AND
37 MARKETING NEEDS.

38 4. (A) THIS PROGRAM SHALL BE TARGETED AT EMERGING GROWTH BUSINESSES,
39 KNOWN AS SECOND STAGE COMPANIES. TO BE ELIGIBLE FOR ASSISTANCE UNDER THE
40 PILOT PROGRAM, A BUSINESS MUST BE A FOR-PROFIT, PRIVATELY HELD BUSINESS
41 THAT EMPLOYS AT LEAST FIVE PERSONS, BUT NOT MORE THAN NINETY-NINE
42 PERSONS, HAS MAINTAINED ITS PRINCIPAL PLACE OF BUSINESS IN THE STATE FOR
43 AT LEAST THE PREVIOUS TWO YEARS, AND GENERATES AT LEAST SEVEN HUNDRED
44 FIFTY THOUSAND DOLLARS, BUT NOT MORE THAN FIFTY MILLION DOLLARS, IN
45 ANNUAL REVENUE. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO MAKE
46 EXCEPTIONS TO THESE PROVISIONS AT HIS OR HER SOLE DISCRETION.

47 (B) A CONTRACTED ENTITY ADMINISTERING THE PILOT PROGRAM, IN SELECTING
48 THE ELIGIBLE BUSINESSES TO RECEIVE ASSISTANCE, SHALL ACTIVELY REACH OUT
49 TO BUSINESSES IN MORE THAN ONE INDUSTRY CLUSTER AND, TO THE MAXIMUM
50 EXTENT PRACTICABLE, SHALL CHOOSE BUSINESSES THAT ARE GEOGRAPHICALLY
51 DISTRIBUTED THROUGHOUT THE REGION WITH THE GREATEST POTENTIAL FOR JOB
52 GROWTH.

53 5. (A) A BUSINESS RECEIVING ASSISTANCE UNDER THE PILOT PROGRAM MUST
54 ENTER INTO AN AGREEMENT WITH THE CONTRACTED ENTITY ADMINISTERING THE
55 PROGRAM TO ESTABLISH THE BUSINESS' COMMITMENT TO PARTICIPATION IN THE

1 PILOT PROGRAM. THE ARRANGEMENT MUST REQUIRE, AT A MINIMUM, THAT THE
2 BUSINESS:

3 (I) ATTEND A MINIMUM NUMBER OF MEETINGS BETWEEN THE BUSINESS AND THE
4 CONTRACTED ENTITY ADMINISTERING THE PILOT PROGRAM. SUCH MEETINGS SHALL
5 BE HELD AT THE CONVENIENCE OF THE BUSINESS;

6 (II) REPORT INVESTMENT, REVENUE, AND JOB CREATION AND RETENTION DATA
7 IN THE MANNER PRESCRIBED BY THE CONTRACTED ENTITY ADMINISTERING THE
8 PILOT PROGRAM; AND

9 (III) PROVIDE NON-PROPRIETARY FINANCIAL DATA IN THE MANNER PRESCRIBED
10 BY THE CONTRACTED ENTITY ADMINISTERING THE PROGRAM.

11 (B) THE REGIONAL NON-PROFIT ECONOMIC DEVELOPMENT ENTITY OR THE
12 CONTRACTED ENTITY ADMINISTERING THE PILOT PROGRAM SHALL REPORT THE
13 INFORMATION TO THE DEPARTMENT ON AN ANNUAL BASIS.

14 6. A CONTRACTED ENTITY ADMINISTERING THE PILOT PROGRAM IS AUTHORIZED
15 TO PROMOTE THE GENERAL BUSINESS INTERESTS OR INDUSTRIAL INTERESTS OF THE
16 STATE.

17 7. THE DEPARTMENT SHALL REVIEW THE PROGRESS OF THE CONTRACTED ENTITY
18 ADMINISTERING THE PILOT PROGRAM AT LEAST ONCE EVERY TWELVE MONTHS AND
19 SHALL DETERMINE WHETHER THE CONTRACTED ENTITY IS MEETING ITS CONTRACTUAL
20 OBLIGATIONS FOR ADMINISTERING THE PILOT PROGRAM. THE DEPARTMENT MAY
21 TERMINATE AND REBID A CONTRACT IF THE CONTRACTED ENTITY DOES NOT MEET
22 ITS CONTRACTUAL OBLIGATIONS.

23 8. BY MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY THEREAFT-
24 ER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR, THE TEMPORARY
25 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEAD-
26 ER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY WHICH DESCRIBES
27 IN DETAIL THE PROGRESS OF THE GROWNUP PILOT PROGRAM. THE REPORT SHALL
28 INCLUDE, BUT IS NOT LIMITED TO, THE NUMBER OF BUSINESSES RECEIVING
29 ASSISTANCE, THE NUMBER OF FULL-TIME EQUIVALENT JOBS CREATED OR RETAINED
30 AS A RESULT OF THE ASSISTANCE, IF ANY, AND THE AGGREGATE AMOUNT OF WAGES
31 PAID TO SUCH EMPLOYEES.

32 S 2. This act shall take effect immediately.