

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

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2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. SCARBOROUGH, LUPARDO, COLTON, COOK, WEPRIN, ROBINSON -- Multi-Sponsored by -- M. of A. SWEENEY -- read once and referred to the Committee on Small Business -- recommitted to the Committee on Small Business in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Small Business in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, the New York state urban development corporation act, the executive law and the state administrative procedure act, in relation to assisting small businesses in this state

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

1 Section 1. Subdivisions 7, 8, 9, 10, 11 and 12 of section 134 of the
2 economic development law, subdivision 7 as added by chapter 547 of the
3 laws of 1976, subdivision 8 as amended and subdivision 11 as added by
4 chapter 361 of the laws of 2009, subdivision 9 as amended by chapter 490
5 of the laws of 1993, subdivision 10 as added by chapter 543 of the laws
6 of 2002 and subdivision 12 as amended by chapter 16 of the laws of 2014,
7 are amended to read as follows:
8 7. review pending legislation affecting small-businesses and report
9 its findings to the commissioner; [and]
10 8. initiate and encourage small-business education programs in general
11 and to coordinate with the functions of the office of general services
12 an information and outreach program directed toward informing small-bu-
13 sinesses in the state of procedures necessary for competing for state
14 purchases and to coordinate with the functions of every state agency,
15 department or authority described in section one hundred thirty-nine-g

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

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1 of the state finance law, pursuant to subdivision (b) of section one
2 hundred thirty-nine-g of the state finance law, an information and
3 outreach program directed toward informing small-businesses in the state
4 of procedures necessary for competing for state contracts, including
5 without limitation educating small contractors about surety bonding
6 requirements on state contracts, and identifying resources available to
7 such contractors in obtaining their first bond and in increasing their
8 bonding capacity, including but not limited to the federal small busi-
9 ness administration bond guarantee program[.];

10 9. ADVISE AND MAKE RECOMMENDATIONS TO THE COMMISSIONER ON MATTERS
11 AFFECTING MICRO-ENTERPRISES CONSISTING OF FEWER THAN FIVE EMPLOYEES;

12 10. the commissioner and the commissioners of agriculture and markets
13 and the office of general services shall initiate and encourage small-
14 business education programs and coordinate with the functions of the
15 office of general services, pursuant to subdivision (b) of THE FORMER
16 section one hundred sixty-one-b of the state finance law, an information
17 and outreach program directed toward informing eligible businesses in
18 the state of procedures necessary for competing for purchases of food
19 products pursuant to THE FORMER section one hundred seventy-four-a of
20 the state finance law and subdivision eight-a of section one hundred
21 three of the general municipal law, and to coordinate with the functions
22 of every state agency or department described in subdivision (b) of
23 section one hundred thirty-nine-g of the state finance law, an informa-
24 tion and outreach program directed toward informing eligible businesses
25 in the state of procedures necessary for competing for contracts for the
26 purchase of food products pursuant to THE FORMER section one hundred
27 seventy-four-a of the state finance law and subdivision eight-a of
28 section one hundred three of the general municipal law[.];

29 [10.] 11. conduct a survey of all business incubators in the state and
30 assess the need for additional incubator facilities to nurture the
31 growth and development of small businesses[.];

32 [11.] 12. provide assistance to small business in the state, and
33 facilitate access to programs serving small business, to ensure that
34 such businesses benefit, as needed, from technical, managerial, finan-
35 cial, and general business assistance; training; marketing; organization
36 and personnel skill development; project management assistance; technol-
37 ogy assistance; bond and insurance education assistance; and other busi-
38 ness development assistance. In addition, either independently or in
39 conjunction with other state agencies:

40 (a) develop a clearinghouse of information on programs and services
41 provided by entities that may assist such businesses; and

42 (b) seek to maximize utilization by small businesses of available
43 federal resources including but not limited to federal grants, loans,
44 loan guarantees, surety bonding guarantees, technical assistance, and
45 programs and services of the federal small business administration[.];

46 AND

47 [12.] 13. compile an annual report on the state of small businesses,
48 particularly those with twenty-five employees or less which shall be
49 known as micro-businesses under this subdivision. The commissioner
50 shall, on or before June first, two thousand fourteen and annually ther-
51 eafter, submit to the governor, the temporary president of the senate
52 and the speaker of the assembly a report that shall include, but not be
53 limited to, the following information for each calendar year:

54 (a) the growth and economic trends of small businesses which may be
55 categorized by various small business sizes and/or sectors;

1 (b) an analysis of relevant and available employment, statistical and
2 economic data of the various small business sectors throughout New York
3 state, which may be categorized by various small business sizes;

4 (c) suggestions to improve the efficiency of existing loan programs;

5 (d) suggestions to improve small business growth;

6 (e) statistical and economic analysis of the state of small businesses
7 by various small business sizes and/or sectors; and

8 (f) identification and review of the local and state regulations,
9 fines and penalties particular to small businesses which may be categor-
10 ized by various small business sizes and/or sectors.

11 The division shall collaborate with other state and local agencies to
12 develop the annual report. The office shall maintain and publish such
13 information on the small business directory webpage in a manner that
14 allows individuals to search the report by name, date, or type of
15 statistics. The format of the annual report shall be developed in
16 consultation with various small business owners to ensure the informa-
17 tion collected, analyzed, and published for the purposes of this subdi-
18 vision is representative of all small businesses in the state.

19 S 2. Section 1 of chapter 174 of the laws of 1968 constituting the New
20 York state urban development corporation act is amended by adding a new
21 section 16-x to read as follows:

22 S 16-X. MAIN STREET CENTER GRANT PROGRAM. 1. THE CORPORATION SHALL
23 ADMINISTER A STATEWIDE PROGRAM TO CREATE MAIN STREET CENTERS IN EACH OF
24 THE COUNTIES IN NEW YORK STATE, WITH THE EXCEPTION OF THE FIVE BOROUGHES
25 OF NEW YORK CITY.

26 2. EACH COUNTY MAIN STREET CENTER SHALL BE ELIGIBLE TO RECEIVE A
27 MATCHING GRANT OF UP TO ONE HUNDRED THOUSAND DOLLARS TOWARD THE CREATION
28 OF THE COUNTY CENTER IF THE COUNTY DESIGNATES THE EQUIVALENT OF A FULL-
29 TIME EMPLOYEE TO THE MAIN STREET DEVELOPMENT EFFORT. THE GRANTS MAY BE
30 USED FOR FACADE RENOVATION AND INTERIOR REHABILITATION.

31 3. EACH CENTER SHALL HOUSE A COMPREHENSIVE LIBRARY OF MAIN STREET
32 PUBLICATIONS AVAILABLE TO BE LOANED.

33 4. EACH CENTER SHALL DEVELOP A CENTRAL DATABASE OF ALL STATE AND
34 FEDERAL GRANT RESOURCES. THE CORPORATION SHALL ASSIST LOCALITIES IN
35 IDENTIFYING POTENTIAL SOURCES OF FUNDING AND PROVIDE TECHNICAL ASSIST-
36 ANCE REGARDING GRANT PROCUREMENT.

37 5. EACH CENTER SHALL DEVELOP GUIDELINES TO ASSIST LOCALITIES IN ENSUR-
38 ING THAT FACADE RENOVATIONS ARE DONE IN A MANNER THAT RESPECTS THE
39 ARCHITECTURE OF THE BUILDING TO BE RENOVATED AND HELPS TO ENHANCE THE
40 HISTORIC INTEGRITY OF THE MAIN STREET DISTRICT.

41 S 3. The executive law is amended by adding two new sections 102-a and
42 149-a to read as follows:

43 S 102-A. RULE-MAKING DOCUMENTS SUBMITTED TO THE SECRETARY OF STATE. 1.
44 ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, ALL RULE-MAKING DOCU-
45 MENTS SHALL BE SUBMITTED TO THE SECRETARY OF STATE IN ELECTRONIC FORMAT.
46 THE SECRETARY OF STATE SHALL MAKE SUCH DOCUMENTS AVAILABLE WITHOUT
47 CHARGE TO THE PUBLIC ELECTRONICALLY, AND SHALL DISSEMINATE SUCH DOCU-
48 MENTS WITHOUT CHARGE TO INTERESTED PARTIES BY VARIOUS MEANS, INCLUDING
49 AT A MINIMUM THROUGH ONE OR MORE ELECTRONIC MAILING LISTS, RSS FEEDS,
50 AND ANY OTHER TECHNOLOGIES DETERMINED BY THE SECRETARY TO BE EFFECTIVE
51 IN PROVIDING TIMELY AND EFFECTIVE ACCESS TO RULE-MAKING INFORMATION. AT
52 LEAST ONE SUCH MEANS SHALL UTILIZE A RULES TRACKER PROGRAM OR SIMILAR
53 PROGRAM THAT ENABLES A USER TO CUSTOMIZE THE RULE-MAKING INFORMATION
54 THAT WILL BE PROVIDED.

1 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "RSS" OR "RICH SITE
2 SUMMARY" SHALL MEAN A FORMAT FOR DELIVERING REGULARLY CHANGING WEB
3 CONTENT.

4 S 149-A. ONLINE PUBLICATION OF STATE REGISTER. 1. THE SECRETARY OF
5 STATE SHALL PUBLISH AN ELECTRONIC VERSION OF THE STATE REGISTER ON ITS
6 WEBSITE AND SHALL MAKE IT AVAILABLE WITHOUT CHARGE ONLINE.

7 2. THE INTERNET HOME PAGE OF EVERY STATE AGENCY THAT ADOPTS RULES AND
8 REGULATIONS OR PUBLISHES NOTICES IN THE STATE REGISTER SHALL MAINTAIN A
9 LINK TO THE ELECTRONIC VERSION OF THE STATE REGISTER.

10 S 4. Paragraph (a) of subdivision 6-a of section 202 of the state
11 administrative procedure act, as amended by chapter 171 of the laws of
12 1994, is amended to read as follows:

13 (a) An agency shall transmit a copy of any rule making notice prepared
14 pursuant to this article to the governor, the temporary president of the
15 senate, the speaker of the assembly, THE MINORITY LEADER OF THE SENATE,
16 THE MINORITY LEADER OF THE ASSEMBLY, the administrative regulations
17 review commission and the office of regulatory and management assistance
18 at the time such notice is submitted to the secretary of state for
19 publication in the state register. Such transmittal shall include the
20 complete rule text, regulatory impact statement, regulatory flexibility
21 analysis, rural area flexibility analysis, or revisions thereof, and any
22 other information submitted to the secretary of state pursuant to this
23 article.

24 S 5. This act shall take effect immediately.