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I N S E N A T E

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Introduced by Sens. GOLDEN, GALLIVAN, GRIFFO, LAVALLE, RANZENHOFER,
ROBACH, VALESKY -- read twice and ordered printed, and when printed to
be committed to the Committee on Commerce, Economic Development and
Small Business

AN ACT to amend the economic development law, in relation to enacting
the New York state veteran entrepreneurship, employment, and opportu-
nity act

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

1 Section 1. This act shall be known and may be cited as the "New York
2 state veteran entrepreneurship, employment, and opportunity act".

3 S 2. The economic development law is amended by adding a new article
4 23 to read as follows:

5 ARTICLE 23

6 NEW YORK STATE VETERAN ENTREPRENEURSHIP AND EMPLOYMENT
7 OPPORTUNITY CENTERS

8 SECTION 461. DEFINITIONS.

9 462. NEW YORK STATE VETERAN ENTREPRENEURSHIP AND EMPLOYMENT
10 OPPORTUNITY CENTER PROGRAM; CREATION.

11 463. COLLABORATION WITH OTHER AGENCIES.

12 464. APPLICATION FOR DESIGNATION AS A NEW YORK STATE VETERAN
13 ENTREPRENEURSHIP AND EMPLOYMENT OPPORTUNITY CENTER.

14 465. REVIEW AND APPROVAL OF APPLICATIONS.

15 466. OPERATION AND RE-DESIGNATION.

16 467. ANCHOR.

17 468. REPORT.

18 S 461. DEFINITIONS. AS USED IN THIS ARTICLE:

19 1. "CENTER" MEANS A NEW YORK STATE VETERAN ENTREPRENEURSHIP AND
20 EMPLOYMENT OPPORTUNITY CENTER.

21 2. "NEW YORK STATE INCUBATORS" AND "NEW YORK STATE INNOVATION
22 HOTSPOTS" OR "INCUBATORS" AND "HOTSPOTS" MEANS AND REFERS TO "NEW YORK
23 STATE INCUBATORS" AND "NEW YORK STATE INNOVATION HOTSPOTS" DESIGNATED
24 PURSUANT TO SECTION SIXTEEN-V OF THE URBAN DEVELOPMENT CORPORATION ACT.

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

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1 3. "PLAN" MEANS THE MULTI-YEAR PLAN THAT ACCOMPANIES THE APPLICATION
2 OF AN INCUBATOR OR HOTSPOT TO BE DESIGNATED AS A VETERAN ENTREPRENEUR-
3 SHIP AND EMPLOYMENT OPPORTUNITY CENTER.

4 4. "STARTUP-NY" PROGRAM MEANS THE START-UP NY PROGRAM AUTHORIZED
5 PURSUANT TO ARTICLE TWENTY-ONE OF THIS CHAPTER, AND "SUNY TAX-FREE AREAS
6 TO REVITALIZE AND TRANSFORM UPSTATE NY PROGRAM" HAS THE SAME MEANING AS
7 IN SUCH ARTICLE TWENTY-ONE.

8 5. "DISABLED VETERAN BUSINESS ENTERPRISE" IS AN INDEPENDENTLY OWNED
9 AND OPERATED BUSINESS ENTERPRISE IN WHICH A DISABLED VETERAN HAS A REAL,
10 SUBSTANTIAL, AND CONTINUING OWNERSHIP OF FIFTY-ONE PER CENT OR GREATER
11 AND HAS AND EXERCISES INDEPENDENT CONTROL OF THE DAY TO DAY DECISIONS OF
12 THE ENTERPRISE, AND IS CERTIFIED AS A DISABILITY-OWNED BUSINESS ENTER-
13 PRISE BY A NATIONAL CERTIFICATION ORGANIZATION SATISFACTORY TO THE
14 COMMISSIONER OR AS A DISADVANTAGED BUSINESS ENTERPRISE.

15 6. "DISADVANTAGED BUSINESS ENTERPRISE" IS A BUSINESS ENTERPRISE WHICH
16 HAS BEEN CERTIFIED AS A DISADVANTAGED BUSINESS ENTERPRISE PURSUANT TO
17 FEDERAL DEPARTMENT OF TRANSPORTATION OR OTHER FEDERAL AGENCY PROCEDURES.

18 7. "DISABLED VETERAN" MEANS A CITIZEN OF THE UNITED STATES AND A RESI-
19 DENT OF THE STATE OF NEW YORK WHO MEETS THE DEFINITION OF PARAGRAPH (B)
20 OF SUBDIVISION ONE OF SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW,
21 EXCEPT THAT IN ADDITION THE TERM SHALL BE DEEMED TO INCLUDE A DISABLED
22 VETERAN AS THEREIN DEFINED WHO WAS A MEMBER OF THE ARMED FORCES OF THE
23 UNITED STATES WHO SERVED IN TIME OF WAR OR WHO SERVED IN AN AREA DESIG-
24 NATED BY THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A
25 "COMBAT ZONE" AT ANY TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT
26 BY EXECUTIVE ORDER AS THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE,
27 AND WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUM-
28 STANCES FROM SUCH SERVICE.

29 8. "VETERAN" MEANS A CITIZEN OF THE UNITED STATES AND A RESIDENT OF
30 THE STATE OF NEW YORK WHO MEETS THE DEFINITION OF PARAGRAPH (A) OF
31 SUBDIVISION ONE OF SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW, EXCEPT
32 THAT IN ADDITION THE TERM SHALL BE DEEMED TO INCLUDE A VETERAN AS THERE-
33 IN DEFINED WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO
34 SERVED IN TIME OF WAR OR WHO SERVED IN AN AREA DESIGNATED BY THE PRESI-
35 DENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A "COMBAT ZONE" AT ANY
36 TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT BY EXECUTIVE ORDER AS
37 THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE, AND WHO WAS HONORABLY
38 DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM SUCH SERVICE.

39 S 462. NEW YORK STATE VETERAN ENTREPRENEURSHIP AND EMPLOYMENT OPPORTU-
40 NITY CENTER PROGRAM; CREATION. THERE IS HEREBY CREATED IN THE DEPART-
41 MENT OF ECONOMIC DEVELOPMENT THE NEW YORK STATE VETERAN ENTREPRENEURSHIP
42 AND EMPLOYMENT OPPORTUNITY CENTER PROGRAM, WHOSE PURPOSE SHALL BE TO
43 PROVIDE ENTREPRENEURIAL AND EMPLOYMENT TRAINING TO VETERANS, DISABLED
44 VETERANS, AND DISABLED VETERAN BUSINESSES AS DEFINED HEREIN. THE COMMIS-
45 SIONER SHALL ESTABLISH AND SUPPORT, WITHIN AVAILABLE APPROPRIATIONS AND
46 IN RESPONSE TO A REQUEST FOR PROPOSALS, ELEVEN SUCH CENTERS AT INCUBA-
47 TORS AND HOTSPOTS WITH AT LEAST ONE CENTER LOCATED IN EACH ECONOMIC
48 DEVELOPMENT REGION OF THE STATE AND TWO IN THE NEW YORK CITY REGION,
49 PROVIDED HOWEVER THAT TWO OR MORE INCUBATORS AND HOTSPOTS MAY BE DESIG-
50 NATED TO COLLABORATE IN THE PROVISION OF SERVICES IN ONE OR MORE SUCH
51 ECONOMIC DEVELOPMENT REGIONS. IN MAKING SUCH DESIGNATIONS THE COMMIS-
52 SIONER SHALL CONSULT AND COLLABORATE WITH THE DIRECTOR OF THE DIVISION
53 OF VETERANS AFFAIRS. SUCH CENTERS SHALL FORM A NETWORK OF CENTERS.

54 S 463. COLLABORATION WITH OTHER AGENCIES. IN TAKING ACTION UNDER THIS
55 ARTICLE, THE COMMISSIONER SHALL CONSULT AND COLLABORATE WITH THE DIREC-
56 TOR OF THE DIVISION OF VETERANS AFFAIRS, THE CHANCELLOR OF THE STATE

1 UNIVERSITY OF NEW YORK, THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW
2 YORK, THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, AND THE SAME
3 ARE AUTHORIZED TO PROVIDE ANY ASSISTANCE, SERVICES, AND DATA AS WILL
4 ENABLE THE COMMISSIONER TO CARRY OUT RESPONSIBILITIES, FUNCTIONS, AND
5 DUTIES HEREUNDER.

6 S 464. APPLICATION FOR DESIGNATION AS A NEW YORK STATE VETERAN ENTRE-
7 PRENEURSHIP AND EMPLOYMENT OPPORTUNITY CENTER. AN INCUBATOR OR HOTSPOT
8 MAY APPLY FOR FUNDING AND DESIGNATION AS A NEW YORK STATE VETERAN ENTRE-
9 PRENEURSHIP AND EMPLOYMENT OPPORTUNITY CENTER BY SUBMITTING AN APPLICA-
10 TION AND PLAN TO THE COMMISSIONER IN RESPONSE TO A REQUEST FOR
11 PROPOSALS. IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED HEREIN,
12 SUCH PLAN SHALL SHOW AND DEMONSTRATE:

13 1. SERVICES: A CENTER SHALL PROVIDE DIRECTLY OR THROUGH COLLABORATIONS
14 AN INTEGRATED PROGRAM OF ENTREPRENEURIAL AND EMPLOYMENT SERVICES FOR
15 VETERANS AND DISABLED VETERANS. SUCH PROGRAM SHALL BE DESIGNED BY THE
16 COMMISSIONER IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF VETER-
17 ANS AFFAIRS AND THE ANCHOR INSTITUTION TO PROVIDE BASIC AND ADVANCED
18 SKILLS TRAINING FOR THOSE WHO ULTIMATELY DETERMINE TO PURSUE ENTREPREN-
19 EURSHIP AND THOSE WHO DETERMINE TO PURSUE EMPLOYMENT, AND SHALL INCLUDE:

20 A. A COMMON INITIAL SERVICES TRAINING REGIME THAT PROVIDES TRAINING
21 AND SUPPORT FOR THOSE WHO ULTIMATELY DECIDE TO PURSUE EITHER ENTREPREN-
22 EURSHIP OR EMPLOYMENT;

23 B. DIRECT OR INDIRECT PROVISION, THROUGH PARTNERSHIPS, OF EMPLOYMENT
24 SKILLS TRAINING FOR THOSE WHO DO NOT PURSUE ENTREPRENEURSHIP; AND

25 C. ADVANCED BUSINESS DEVELOPMENT TRAINING INCLUDING BUSINESS PLAN
26 DEVELOPMENT; AID IN COMPANY CREATION; ACCESS TO LEGAL AND FINANCIAL
27 EXPERTISE; ACCESS TO MARKET; ENTREPRENEUR SKILLS TRAINING AND COURSE-
28 WORK, INCLUDING TRAINING IN KEY COMPUTER AND ACCOUNTING PROGRAMS; CORPO-
29 RATE DESIGN; MANAGEMENT; ENTREPRENEURSHIP SKILL SET; AND BUSINESS BASICS
30 IN CONTRACTS; FINANCING; MANAGEMENT; TEAMING; BIDDING; AND HELP IN
31 ESTABLISHING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE AND FEDERAL
32 DISADVANTAGED BUSINESS ENTERPRISE STATUS.

33 2. COMMITMENT: A COMMITMENT BY THE INCUBATOR OR HOTSPOT TO DEVELOPMENT
34 AND IMPLEMENTATION OF THE CENTER PLAN OVER A PERIOD OF NOT LESS THAN
35 THREE YEARS, DEMONSTRATED BY A MULTI-YEAR COMMITMENT OF RESOURCES,
36 PERSONNEL, AND FUNDS TO BE PROVIDED DIRECTLY OR THROUGH PARTNERSHIPS AND
37 COLLABORATIONS.

38 3. LEVERAGED AND APPLIED FUNDING: A DEMONSTRATION THAT THE APPLICANT
39 HAS IN HAND, OR WILL SHORTLY AFTER DESIGNATION OBTAIN AND MAINTAIN, A
40 FUNDING MATCH OF AT LEAST TWO NON-STATE DOLLARS FOR EVERY STATE DOLLAR
41 PROVIDED PURSUANT TO THIS ARTICLE.

42 4. COMMUNITY SUPPORT: A DEMONSTRATION OF COMMUNITY SUPPORT FROM BUSI-
43 NESS AND GOVERNMENT LEADERS AND ORGANIZATIONS.

44 5. BEST PRACTICES: A DEMONSTRATION THAT THE CENTER WILL ADOPT BEST
45 PRACTICES AND USE OF MULTI-YEAR METRICS FOR PERFORMANCE, AND THAT IT
46 WILL REPORT DATA AS REQUESTED OR REQUIRED TO THE DEPARTMENT. PERFORMANCE
47 METRICS SHOULD INCLUDE ANTICIPATED ANNUAL AND CUMULATIVE OUTCOMES IN
48 TERMS OF JOBS, INVESTMENT, AND ECONOMIC AND OTHER ACTIVITY, STATED IN A
49 SPECIFIC AND MEASURABLE WAY THAT IS ACHIEVABLE AND REALISTIC WITHIN THE
50 PROJECT TIME FRAME AND THAT CAN BE QUANTIFIED AND COMPARED TO OTHER DATA
51 FOR ANALYSIS.

52 6. ADVISORY COUNCIL: AN INDEPENDENT ADVISORY COUNCIL THAT INCLUDES ONE
53 OR MORE VETERANS AND DISABLED VETERANS, AND INDIVIDUALS WITH BUSINESS,
54 FINANCING, LEGAL, AND MARKET EXPERTISE.

55 S 465. REVIEW AND APPROVAL OF APPLICATIONS. THE COMMISSIONER SHALL
56 REVIEW PLANS BASED ON THE CATEGORIES REQUIRED IN THE APPLICATION, AND

1 THE FOLLOWING, AND SHALL CONSULT WITH THE DIRECTOR OF THE DIVISION OF
2 VETERANS AFFAIRS IN MAKING ANY DESIGNATION OF A CENTER UNDER THIS ARTI-
3 CLE:

4 1. THE ANTICIPATED EFFECTIVENESS OF THE PLAN AS EVIDENCED BY THE
5 EXISTENCE OF AVAILABLE RESOURCES DEDICATED TO THE PLAN AND THE COMMIT-
6 MENT OF THE INCUBATOR OR HOTSPOT;

7 2. THE ABILITY OF THE APPLICANT TO UNDERTAKE AND COMPLETE THE PLAN,
8 THE FEASIBILITY OF MEETING THE METRICS AND GOALS PROVIDED FOR DETERMIN-
9 ING THE SUCCESS OF THE PLAN, THE DURABILITY AND REACH OF THE COLLAB-
10 ORATIONS AND RELATIONSHIPS WITH INCUBATORS AND HOTSPOTS, AND WITH START-
11 UP-NY PROJECTS, AND WITH PRIVATE AND OTHER PUBLIC COLLABORATORS;

12 3. THE ABILITY OF THE APPLICANT TO PROVIDE THE NECESSARY DATA FOR AN
13 EFFECTIVE EVALUATION OF THE PROJECT; AND

14 4. SUCH OTHER OBJECTIVE AND MEASURABLE CRITERIA AS SHALL BE DETERMINED
15 BY THE COMMISSIONER.

16 S 466. OPERATION AND RE-DESIGNATION. IN ADDITION TO OTHER REQUIREMENTS
17 OF THIS ARTICLE, A CENTER WILL AGREE TO MEET ALL REQUIREMENTS CONCERNING
18 EXECUTION AND IMPLEMENTATION OF AN APPROVED PLAN, TO MAINTAIN BEST PRAC-
19 TICES, AND TO REPORT DATA AS REQUESTED OR REQUIRED TO THE COMMISSIONER
20 USING APPROPRIATE CONFIDENTIALITY PROTOCOLS IN THE CASE OF BUSINESS OR
21 TRADE SECRETS. SUCH DATA WILL INCLUDE A DEMONSTRATION OF THE SUCCESS IN
22 MEETING PROJECT PLAN GOALS. THE DEPARTMENT SHALL DESIGN SIMPLIFIED FORMS
23 TO AID IN THE SUBMISSION OF DATA, WHICH MAY BE SUBMITTED ELECTRONICALLY.

24 THE COMMISSIONER SHALL EVALUATE THE OPERATIONS OF CENTERS USING METH-
25 ODS INCLUDING, BUT NOT LIMITED TO, SITE VISITS; REPORTS PURSUANT TO
26 SPECIFIED INFORMATION; AND REVIEW EVALUATIONS. IF UNSATISFIED WITH THE
27 PROGRESS OF A PROJECT, THE COMMISSIONER SHALL NOTIFY SUCH CENTER OF THE
28 RESULTS OF THE EVALUATIONS AND ANY FINDINGS OF DEFICIENCIES IN ITS OPER-
29 ATIONS AND THE CENTER SHALL REMEDY SUCH FINDINGS IN A TIMELY MANNER.
30 FAILURE TO ABIDE BY THE REQUIREMENTS OF THIS SECTION OR TO CURE A DEFI-
31 CIENCY AFTER REVIEW AND AGREEMENT WITH THE COMMISSIONER SHALL RESULT IN
32 DISQUALIFICATION AS A CENTER.

33 A CENTER SHALL BE DEEMED RE-DESIGNATED UPON APPLICATION EVERY THREE
34 YEARS UNLESS IT SHALL RECEIVE A NEGATIVE EVALUATION FROM THE COMMISSION-
35 ER AND SHALL FAIL TO REMEDY DEFECTS, OR A DETERMINATION BY THE COMMIS-
36 SIONER THAT SUCH DEFECTS ARE OF SUCH A NATURE OR ARE OF SUCH EXTENT THAT
37 THEY CANNOT BE REMEDIED.

38 S 467. ANCHOR. THE COMMISSIONER SHALL CONTRACT WITH AN ANCHOR TO
39 PROVIDE TECHNICAL, TRAINING, CURRICULUM, AND OVERSIGHT SERVICES THAT
40 WILL AID IN THE DEVELOPMENT OF THE NETWORK OF CENTERS. THE ANCHOR MUST
41 BE AN ENTITY WHICH HAS A TRACK RECORD OF WORKING WITH AND PROVIDING
42 SERVICES TO VETERANS; FAMILIES; ENTREPRENEURSHIP; EMPLOYMENT; PARTNER-
43 SHIPS WITH BUSINESS AND INDUSTRY; SMALL BUSINESS ADMINISTRATION; DEPART-
44 MENT OF LABOR; DEPARTMENT OF DEFENSE; AND OTHERS FOCUSED ON THE
45 POST-SERVICE LIFE COURSE OF VETERANS WITH AND WITHOUT DISABILITIES. IN
46 ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED BY THE COMMISSIONER AFTER
47 CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS, IT
48 SHOULD ALSO:

49 1. BE A NEW YORK STATE UNIVERSITY-BASED ENTITY WITH NATIONAL EXPERTISE
50 AND TRAINING PROGRAMS AND A CREDIBLE TRACK RECORD IN PROVIDING ENTRE-
51 PRENEURSHIP AND CAREER TRAINING FOR VETERANS;

52 2. CURRENTLY HAVE AND PROVIDE ENTREPRENEURSHIP AND EMPLOYMENT PROGRAMS
53 INCLUDING CAREER TRANSITION PROGRAMS FOR VETERANS;

54 3. PROVIDE AND BE ABLE TO PROVIDE CERTIFICATION EXAMS, UP TO AND
55 INCLUDING SIX SIGMA BLACK BELT OR SIMILAR PROGRAMS;

1 4. HAVE RESIDENT EXPERTISE AND A CREDIBLE REPUTATION THAT ALLOWS IT TO
2 PROVIDE TRAINING, GUIDANCE, OVERSIGHT, ETC. TO THE CENTERS;

3 5. BE ABLE TO CREATE A NETWORK WITH THE CENTERS USING ONGOING CONTACT
4 THROUGH ONSITE VISITS, AS WELL AS ELECTRONIC VISUAL MEETINGS AND CLASS-
5 ES;

6 6. PROVIDE OR COLLABORATE ON A COORDINATED SUMMER RESIDENCY;

7 7. BE ABLE TO DEVELOP SPECIFIC TARGETED COURSES, TRAINING, MENTORING
8 TO AID IN DEVELOPING MARKETS AND MARKET OPPORTUNITIES FOR VETERAN-OWNED
9 COMPANIES AND INDIVIDUALS;

10 8. UNDERSTAND HOW TO LEVERAGE DISABILITY-RELATED ENTREPRENEURSHIP
11 RESOURCES INCLUDING VR, VA/VR, IDAS FOR ENTREPRENEURSHIP, AND RELATED
12 WORK INCENTIVES FOR SOCIAL SECURITY BENEFITS; AND

13 9. HAVE EXPERIENCE IN ADDRESSING DISABILITY-RELATED IMPACTS ON ENTRE-
14 PRENEURSHIP.

15 S 468. REPORT. THE COMMISSIONER SHALL ANNUALLY REPORT ON THE OPER-
16 ATIONS OF THE CENTERS. SUCH REPORT SHALL INCLUDE INFORMATION ON THE
17 OPERATIONS OF THE CENTERS; THE NUMBERS OF VETERANS AND DISABLED VETERANS
18 SERVED; THE NUMBERS WHO PURSUED ENTREPRENEURSHIP AND THOSE WHO PURSUED
19 EMPLOYMENT; THE NUMBERS OF COMPANIES AND JOBS CREATED; THE AMOUNT OF
20 FINANCINGS; AND SUCH OTHER DATA AS THE COMMISSIONER SHALL DEEM RELEVANT
21 AND HELPFUL TO EVALUATING THE PROGRAM. THE FIRST REPORT SHALL BE DUE ON
22 THE THIRTY-FIRST OF JANUARY IN THE SECOND CALENDAR YEAR AFTER THIS ACT
23 SHALL HAVE BECOME LAW.

24 S 3. This act shall take effect on the first of September next
25 succeeding the date on which it shall have become a law.