

2627

2015-2016 Regular Sessions

I N S E N A T E

January 27, 2015

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,
and when printed to be committed to the Committee on Commerce, Econom-
ic Development and Small Business

AN ACT to amend the economic development law, in relation to establish-
ing entrepreneurship assistance centers; to amend the economic devel-
opment law and the labor law, in relation to making technical
corrections relating thereto; and to repeal article 9 of the economic
development law relating thereto

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

1 Section 1. Article 9 of the economic development law is REPEALED and a
2 new article 9 is added to read as follows:

3 ARTICLE 9

4 ENTREPRENEURSHIP ASSISTANCE CENTERS

5 SECTION 210. DEFINITIONS.

6 211. ENTREPRENEURSHIP ASSISTANCE CENTERS.

7 212. REPORTING.

8 S 210. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS,
9 UNLESS THE CONTEXT INDICATES OTHERWISE, SHALL HAVE THE FOLLOWING MEAN-
10 INGS:

11 1. "ENTREPRENEURSHIP ASSISTANCE CENTERS" SHALL MEAN THE BUSINESS
12 DEVELOPMENT CENTERS WHICH PROVIDE ASSISTANCE TO PRIMARILY MINORITY GROUP
13 MEMBERS, WOMEN, INDIVIDUALS WITH A DISABILITY AND DISLOCATED WORKERS AS
14 ESTABLISHED BY THE DEPARTMENT PURSUANT TO SECTION TWO HUNDRED ELEVEN OF
15 THIS ARTICLE.

16 2. "DISABILITY" SHALL MEAN, WITH RESPECT TO AN INDIVIDUAL:

17 (A) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR
18 MORE OF THE MAJOR LIFE ACTIVITIES OF SUCH INDIVIDUAL;

19 (B) A RECORD OF SUCH AN IMPAIRMENT; OR

20 (C) BEING REGARDED AS HAVING AN IMPAIRMENT.

21 3. "MINORITY BUSINESS ENTERPRISE" SHALL MEAN ANY BUSINESS ENTERPRISE
22 WHICH IS AT LEAST FIFTY-ONE PER CENTUM OWNED BY, OR IN THE CASE OF A
23 PUBLICLY OWNED BUSINESS AT LEAST FIFTY-ONE PER CENTUM OF THE STOCK OF
24 WHICH IS OWNED BY, CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE BLACK,

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

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HISPANIC, ASIAN OR AMERICAN INDIAN, PACIFIC ISLANDER OR ALASKAN NATIVE WHERE SUCH OWNERSHIP INTEREST IS REAL, SUBSTANTIAL AND CONTINUING AND WHERE SUCH PERSONS HAVE THE AUTHORITY TO INDEPENDENTLY CONTROL THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTITY.

4. "MINORITY GROUP MEMBER" SHALL MEAN A UNITED STATES CITIZEN OR PERMANENT RESIDENT ALIEN WHO IS AND CAN DEMONSTRATE MEMBERSHIP IN ONE OF THE FOLLOWING GROUPS:

(A) BLACK PERSONS HAVING ORIGINS IN ANY OF THE BLACK AFRICAN RACIAL GROUPS NOT OF HISPANIC ORIGIN;

(B) HISPANIC PERSONS OF MEXICAN, PUERTO RICAN, DOMINICAN, CUBAN, CENTRAL OR SOUTH AMERICAN DESCENT OF EITHER INDIAN OR HISPANIC ORIGIN, REGARDLESS OF RACE;

(C) ASIAN AND PACIFIC ISLANDER PERSONS HAVING ORIGINS IN THE FAR EAST, SOUTHEAST ASIA, THE INDIAN SUB-CONTINENT OR THE PACIFIC ISLANDS; OR

(D) AMERICAN INDIAN OR ALASKAN NATIVE PERSONS HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA.

5. "WOMEN-OWNED BUSINESS ENTERPRISE" SHALL MEAN ANY BUSINESS ENTERPRISE WHICH IS AT LEAST FIFTY-ONE PER CENTUM OWNED BY, OR IN THE CASE OF A PUBLICLY OWNED BUSINESS AT LEAST FIFTY-ONE PER CENTUM OF THE STOCK OF WHICH IS OWNED BY, CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE WOMEN WHERE SUCH OWNERSHIP INTEREST IS REAL, SUBSTANTIAL AND CONTINUING AND WHERE SUCH PERSONS HAVE THE AUTHORITY TO INDEPENDENTLY CONTROL THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTITY.

S 211. ENTREPRENEURSHIP ASSISTANCE CENTERS. 1. THE DEPARTMENT SHALL ESTABLISH AND SUPPORT, WITHIN AVAILABLE APPROPRIATIONS, ENTREPRENEURSHIP ASSISTANCE CENTERS AT CAREER EDUCATION AGENCIES AND NOT-FOR-PROFIT CORPORATIONS INCLUDING, BUT NOT LIMITED TO, LOCAL DEVELOPMENT CORPORATIONS, CHAMBERS OF COMMERCE, COMMUNITY-BASED BUSINESS OUTREACH CENTERS AND OTHER COMMUNITY-BASED ORGANIZATIONS. THE PURPOSE OF SUCH CENTERS SHALL BE TO TRAIN MINORITY GROUP MEMBERS, WOMEN, INDIVIDUALS WITH A DISABILITY AND DISLOCATED WORKERS IN THE PRINCIPLES AND PRACTICE OF ENTREPRENEURSHIP IN ORDER TO PREPARE SUCH PERSONS TO PURSUE SELF-EMPLOYMENT OPPORTUNITIES AND TO PURSUE A MINORITY BUSINESS ENTERPRISE OR A WOMEN-OWNED BUSINESS ENTERPRISE. SUCH CENTERS SHALL PROVIDE FOR TRAINING IN ALL ASPECTS OF BUSINESS DEVELOPMENT AND SMALL BUSINESS MANAGEMENT AS DEFINED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION, "CAREER EDUCATION AGENCY" SHALL MEAN A COMMUNITY COLLEGE OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OPERATING WITHIN THE STATE.

2. THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR SELECTION AND DESIGNATION OF SUCH CENTERS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE LEVEL OF SUPPORT FOR THE CENTER FROM LOCAL POST-SECONDARY EDUCATION INSTITUTIONS, BUSINESSES, AND GOVERNMENT;

(B) THE LEVEL OF FINANCIAL ASSISTANCE PROVIDED AT THE LOCAL AND FEDERAL LEVEL TO SUPPORT THE OPERATIONS OF THE CENTER;

(C) THE APPLICANT'S UNDERSTANDING OF PROGRAM GOALS AND OBJECTIVES ARTICULATED BY THE DEPARTMENT;

(D) THE PLANS OF THE CENTER TO SUPPLEMENT STATE AND LOCAL FUNDING THROUGH FEES FOR SERVICES WHICH MAY BE BASED ON A SLIDING SCALE BASED ON ABILITY TO PAY;

(E) THE NEED FOR AND ANTICIPATED IMPACT OF THE CENTER ON THE COMMUNITY IN WHICH IT WILL FUNCTION;

(F) THE QUALITY OF THE PROPOSED WORK PLAN AND STAFF OF THE CENTER; AND

(G) THE EXTENT OF ECONOMIC DISTRESS IN THE AREA TO BE SERVED.

3. APPLICATION FOR GRANTS MADE PURSUANT TO THIS SECTION SHALL BE MADE IN THE MANNER AND ON FORMS PRESCRIBED BY THE DEPARTMENT. SUCH APPLICATION SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

1 (A) A DESCRIPTION OF THE TRAINING PROGRAMS AVAILABLE WITHIN THE
2 GEOGRAPHIC AREA TO BE SERVED BY THE CENTER TO WHICH ELIGIBLE CLIENTS MAY
3 BE REFERRED;

4 (B) DESIGNATION OF A PROGRAM DIRECTOR;

5 (C) PLANS FOR PROVIDING ONGOING TECHNICAL ASSISTANCE TO PROGRAM GRADU-
6 ATES, INCLUDING LINKAGES WITH PROVIDERS OF OTHER ENTREPRENEURIAL ASSIST-
7 ANCE PROGRAMS AND WITH PROVIDERS OF SMALL BUSINESS TECHNICAL ASSISTANCE
8 AND SERVICES;

9 (D) A PROGRAM BUDGET, INCLUDING MATCHING FUNDS, IN-KIND AND OTHERWISE,
10 TO BE PROVIDED BY THE APPLICANT; AND

11 (E) SUCH OTHER REQUIREMENTS AS DEEMED NECESSARY BY THE DEPARTMENT.

12 4. EACH CENTER SHALL:

13 (A) BE OPERATED BY A BOARD OF DIRECTORS REPRESENTING COMMUNITY LEADERS
14 IN BUSINESS, EDUCATION, FINANCE AND GOVERNMENT;

15 (B) BE INCORPORATED AS A NOT-FOR-PROFIT CORPORATION;

16 (C) BE LOCATED IN AN AREA ACCESSIBLE TO ELIGIBLE CLIENTS;

17 (D) ESTABLISH AN ADVISORY GROUP OF COMMUNITY BUSINESS EXPERTS, AT
18 LEAST ONE-HALF OF WHOM SHALL BE REPRESENTATIVE OF THE CLIENTELE TO BE
19 SERVED BY THE CENTER, WHICH SHALL CONSTITUTE A SUPPORT NETWORK TO
20 PROVIDE COUNSELING AND MENTORING SERVICES TO MINORITY GROUP MEMBERS,
21 WOMEN, INDIVIDUALS WITH A DISABILITY AND DISLOCATED WORKERS FROM THE
22 CONCEPT STAGE OF DEVELOPMENT THROUGH THE FIRST ONE TO TWO YEARS OF
23 EXISTENCE ON A REGULAR BASIS AND AS NEEDED THEREAFTER; AND

24 (E) ESTABLISH A REFERRAL SYSTEM AND LINKAGES TO EXISTING AREA SMALL
25 BUSINESS ASSISTANCE PROGRAMS AND FINANCING SOURCES.

26 5. EACH ENTREPRENEURSHIP ASSISTANCE CENTER SHALL PROVIDE NEEDED
27 SERVICES TO ELIGIBLE CLIENTS, INCLUDING, BUT NOT LIMITED TO:

28 (A) ORIENTATION AND SCREENING OF PROSPECTIVE ENTREPRENEURS;

29 (B) ANALYSIS OF BUSINESS CONCEPTS AND TECHNICAL FEASIBILITY;

30 (C) MARKET ANALYSIS;

31 (D) MANAGEMENT ANALYSIS AND COUNSELING;

32 (E) BUSINESS PLANNING AND FINANCIAL PLANNING ASSISTANCE;

33 (F) REFERRALS TO FINANCIAL RESOURCES;

34 (G) REFERRAL TO EXISTING EDUCATIONAL PROGRAMS FOR TRAINING IN SUCH
35 AREAS AS MARKETING, ACCOUNTING AND OTHER SUCH TRAINING PROGRAMS AS MAY
36 BE NECESSARY AND AVAILABLE; AND

37 (H) REFERRAL TO BUSINESS INCUBATOR FACILITIES, WHERE APPROPRIATE, FOR
38 THE PURPOSE OF ENTERING INTO AGREEMENTS TO ACCESS SHARED SUPPORT
39 SERVICES.

40 6. GRANTS MADE PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE
41 FOLLOWING LIMITATIONS:

42 (A) NO GRANT SHALL BE MADE TO ANY ONE OR ANY CONSORTIUM OF CAREER
43 EDUCATION AGENCIES AND NOT-FOR-PROFIT CORPORATIONS IN EXCESS OF SEVEN-
44 TY-FIVE THOUSAND DOLLARS; AND

45 (B) EACH GRANT SHALL BE DISBURSED FOR PAYMENT OF THE COST OF SERVICES
46 AND EXPENSES OF THE PROGRAM DIRECTOR, THE INSTRUCTORS OF THE PARTICIPAT-
47 ING CAREER EDUCATION AGENCY OR NOT-FOR-PROFIT CORPORATION, THE FACULTY
48 AND SUPPORT PERSONNEL THEREOF AND ANY OTHER PERSON IN THE SERVICE OF
49 PROVIDING INSTRUCTION AND COUNSELING IN FURTHERANCE OF THE PROGRAM.

50 S 212. REPORTING. THE DEPARTMENT SHALL:

51 1. MONITOR THE PERFORMANCE OF EACH ENTREPRENEURIAL ASSISTANCE CENTER
52 AND REQUIRE PERIODIC AND ANNUAL REPORTS FROM EACH ENTREPRENEURIAL
53 ASSISTANCE CENTER AT SUCH TIME AND IN SUCH A MANNER AS PRESCRIBED BY THE
54 COMMISSIONER.

55 2. EVALUATE THE ENTREPRENEURIAL ASSISTANCE CENTERS ESTABLISHED UNDER
56 THIS ARTICLE AND REPORT, ON OR BEFORE OCTOBER FIRST, TWO THOUSAND

1 SIXTEEN, AND ON OR BEFORE EACH OCTOBER FIRST THEREAFTER, AND SUBMIT THE
2 RESULTS OF SUCH EVALUATION TO THE GOVERNOR AND THE LEGISLATURE. SUCH
3 REPORT SHALL DISCUSS THE EXTENT TO WHICH THE CENTERS SERVE MINORITY
4 GROUP MEMBERS, WOMEN, INDIVIDUALS WITH A DISABILITY AND DISLOCATED WORK-
5 ERS; THE EXTENT TO WHICH THE TRAINING PROGRAM IS COORDINATED WITH OTHER
6 ASSISTANCE PROGRAMS TARGETED TO SMALL AND NEW BUSINESSES; THE ABILITY OF
7 SUCH PROGRAM TO LEVERAGE OTHER SOURCES OF FUNDING AND SUPPORT; AND THE
8 SUCCESS OF THE PROGRAM IN AIDING ENTREPRENEURS TO START UP NEW BUSI-
9 NESSES, INCLUDING THE NUMBER OF NEW BUSINESS START-UPS RESULTING FROM
10 THE PROGRAM. SUCH REPORT SHALL RECOMMEND CHANGES AND IMPROVEMENTS IN THE
11 TRAINING PROGRAM AND IN THE QUALITY OF SUPPLEMENTAL TECHNICAL ASSISTANCE
12 OFFERED TO GRADUATES OF THE TRAINING PROGRAMS.

13 3. SUBMIT TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE CHAIR-
14 PERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE ASSEM-
15 BLY WAYS AND MEANS COMMITTEE AN EVALUATION OF THE EFFECTIVENESS OF THE
16 PROGRAMS ESTABLISHED UNDER THIS ARTICLE PREPARED BY AN ENTITY INDEPEND-
17 ENT OF THE DEPARTMENT. SUCH EVALUATION SHALL BE SUBMITTED BY SEPTEMBER
18 FIRST, TWO THOUSAND SEVENTEEN AND BY SEPTEMBER FIRST EVERY FOUR YEARS
19 THEREAFTER.

20 4. BETWEEN EVALUATION DUE DATES, MAINTAIN THE NECESSARY RECORDS AND
21 DATA REQUIRED TO SATISFY SUCH EVALUATION REQUIREMENTS AND TO SATISFY
22 INFORMATION REQUESTS RECEIVED FROM THE DIRECTOR OF THE BUDGET, THE
23 CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND THE CHAIRPERSON OF THE
24 ASSEMBLY WAYS AND MEANS COMMITTEE BETWEEN SUCH EVALUATION DUE DATES.

25 S 2. Paragraph (c) of subdivision 37-b of section 100 of the economic
26 development law, as added by chapter 524 of the laws of 2005, is amended
27 to read as follows:

28 (c) Subdivision two of section two hundred [thirteen] TWELVE OF THIS
29 CHAPTER, submitting the results of the annual evaluation of the entre-
30 preneurial assistance programs established under article nine OF THIS
31 CHAPTER.

32 S 3. Subparagraph (iii) of paragraph (c) of subdivision 2 of section
33 591-a of the labor law, as amended by section 1 of part Z of chapter 57
34 of the laws of 2013, is amended to read as follows:

35 (iii) are participating in self-employment assistance activities
36 approved by the department and by the department of economic development
37 which include but need not be limited to entrepreneurial training, busi-
38 ness counseling, and technical assistance, including financing assist-
39 ance for qualified individuals as appropriate, offered by entrepreneur-
40 ship [support] ASSISTANCE centers established pursuant to section two
41 hundred [twelve] ELEVEN of the economic development law, state universi-
42 ty of New York small business development centers, programs offered by
43 community-based organizations, local development corporations, and
44 boards of cooperative educational services (BOCES) as established pursu-
45 ant to section one thousand nine hundred fifty of the education law;
46 and, unless otherwise required by federal law or regulation, no individ-
47 ual shall be prohibited from or disqualified from eligibility for the
48 program if prior to applying for the program, an individual has printed
49 business cards or has a website that is designed but not active, and
50 neither are being used to solicit or conduct business;

51 S 4. This act shall take effect immediately; provided that the amend-
52 ments to subparagraph (iii) of paragraph (c) of subdivision 2 of section
53 591-a of the labor law made by section three of this act shall not
54 affect the repeal of such section and shall be deemed to repeal there-
55 with.