

STATE OF NEW YORK

S. 4318

A. 6362

2019-2020 Regular Sessions

SENATE - ASSEMBLY

March 7, 2019

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

IN ASSEMBLY -- Introduced by M. of A. THIELE, JONES -- read once and referred to the Committee on Small Business

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 by chapter 361 of the laws of
4 2009, subdivision 9 as amended by chapter 490 of the laws of 1993,
5 subdivision 10 as added by chapter 543 of the laws of 2002, subdivision
6 11 as amended by chapter 463 of the laws of 2016, and subdivision 12 as
7 amended by chapter 16 of the laws of 2014, are amended to read as
8 follows:
9 7. review pending legislation affecting small-businesses and report
10 its findings to the commissioner; ~~and~~
11 8. initiate and encourage small-business education programs in general
12 and to coordinate with the functions of the office of general services
13 an information and outreach program directed toward informing small-bu-
14 sinesses in the state of procedures necessary for competing for state
15 purchases and to coordinate with the functions of every state agency,
16 department or authority described in section one hundred thirty-nine-g
17 of the state finance law, pursuant to subdivision (b) of section one
18 hundred thirty-nine-g of the state finance law, an information and
19 outreach program directed toward informing small-businesses in the state

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

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1 of procedures necessary for competing for state contracts, including
2 without limitation educating small contractors about surety bonding
3 requirements on state contracts, and identifying resources available to
4 such contractors in obtaining their first bond and in increasing their
5 bonding capacity, including but not limited to the federal small busi-
6 ness administration bond guarantee program[-];

7 9. advise and make recommendations to the commissioner on matters
8 affecting micro-enterprises consisting of fewer than five employees;

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

26 [~~10-~~] 11. conduct a survey of all business incubators in the state and
27 assess the need for additional incubator facilities to nurture the
28 growth and development of small businesses[-];

29 [~~11-~~] 12. provide assistance to small business in the state, and
30 facilitate access to programs serving small business, to ensure that
31 such businesses benefit, as needed, from technical, managerial, finan-
32 cial, and general business assistance; training; marketing; organization
33 and personnel skill development; project management assistance; technol-
34 ogy assistance; bond and insurance education assistance; online market-
35 place lending awareness and assistance; and other business development
36 assistance. In addition, either independently or in conjunction with
37 other state agencies:

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

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

44 (c) develop and implement, in conjunction with the department of
45 financial services, a small business online marketplace lending educa-
46 tion and outreach campaign to educate businesses in plain-language as to
47 the true costs associated with obtaining loans from online marketplace
48 lenders including true and up-front transparent pricing and terms, the
49 disclosure of annualized percentage rates, interest rates, fees and
50 charges; disclosure of terms for repayment, early repayment, and refi-
51 nancing of a loan and any penalties that may be applied; and any other
52 information that is deemed necessary by the department of economic
53 development. The department of economic development shall develop and
54 implement a plan to distribute such information to small business
55 owners, including but not limited to, printed material, publication on
56 the internet and through coordination with other state entities that

1 routinely interact with small businesses in this state. The department
2 of economic development shall make translations of all educational mate-
3 rials available in languages other than English, including the six most
4 common non-English languages spoken by individuals in this state[-]; and
5 [12-] 13. compile an annual report on the state of small businesses,
6 particularly those with twenty-five employees or less which shall be
7 known as micro-businesses under this subdivision. The commissioner
8 shall, on or before June first, two thousand fourteen and annually ther-
9 eafter, submit to the governor, the temporary president of the senate
10 and the speaker of the assembly a report that shall include, but not be
11 limited to, the following information for each calendar year:

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

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

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

18 (d) suggestions to improve small business growth;

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

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

24 The division shall collaborate with other state and local agencies to
25 develop the annual report. The office shall maintain and publish such
26 information on the small business directory webpage in a manner that
27 allows individuals to search the report by name, date, or type of
28 statistics. The format of the annual report shall be developed in
29 consultation with various small business owners to ensure the informa-
30 tion collected, analyzed, and published for the purposes of this subdi-
31 vision is representative of all small businesses in the state.

32 § 2. Section 1 of chapter 174 of the laws of 1968 constituting the New
33 York state urban development corporation act is amended by adding a new
34 section 16-bb to read as follows:

35 § 16-bb. Main street center grant program. 1. The corporation shall
36 administer a statewide program to create main street centers in each of
37 the counties in New York state, with the exception of the five boroughs
38 of New York city.

39 2. Each county main street center shall be eligible to receive a
40 matching grant of up to one hundred thousand dollars toward the creation
41 of the county center if the county designates the equivalent of a full-
42 time employee to the main street development effort. The grants may be
43 used for facade renovation and interior rehabilitation.

44 3. Each center shall house a comprehensive library of main street
45 publications available to be loaned.

46 4. Each center shall develop a central database of all state and
47 federal grant resources. The corporation shall assist localities in
48 identifying potential sources of funding and provide technical assist-
49 ance regarding grant procurement.

50 5. Each center shall develop guidelines to assist localities in ensur-
51 ing that facade renovations are done in a manner that respects the
52 architecture of the building to be renovated and helps to enhance the
53 historic integrity of the main street district.

54 § 3. The executive law is amended by adding two new sections 102-a and
55 149-a to read as follows:

1 § 102-a. Rule-making documents submitted to the secretary of state. 1.
2 On or after January first, two thousand nineteen, all rule-making docu-
3 ments shall be submitted to the secretary of state in electronic format.
4 The secretary of state shall make such documents available without
5 charge to the public electronically, and shall disseminate such docu-
6 ments without charge to interested parties by various means, including
7 at a minimum through one or more electronic mailing lists, RSS feeds,
8 and any other technologies determined by the secretary to be effective
9 in providing timely and effective access to rule-making information. At
10 least one such means shall utilize a rules tracker program or similar
11 program that enables a user to customize the rule-making information
12 that will be provided.

13 2. For the purposes of this section, the term "RSS" or "rich site
14 summary" shall mean a format for delivering regularly changing web
15 content.

16 § 149-a. Online publication of state register. 1. The secretary of
17 state shall publish an electronic version of the state register on its
18 website and shall make it available without charge online.

19 2. The internet home page of every state agency that adopts rules and
20 regulations or publishes notices in the state register shall maintain a
21 link to the electronic version of the state register.

22 § 4. Paragraph (a) of subdivision 6-a of section 202 of the state
23 administrative procedure act, as amended by chapter 295 of the laws of
24 2017, is amended to read as follows:

25 (a) An agency shall transmit a copy of any rule making notice prepared
26 pursuant to this article to the governor, the temporary president of the
27 senate, the speaker of the assembly, the minority leader of the assembly
28 and the administrative regulations review commission at the time such
29 notice is submitted to the secretary of state for publication in the
30 state register. Such transmittal shall include the complete rule text,
31 regulatory impact statement, regulatory flexibility analysis, rural area
32 flexibility analysis, or revisions thereof, and any other information
33 submitted to the secretary of state pursuant to this article.

34 § 5. This act shall take effect immediately.