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:

Section 1. Subdivisions 7, 8, 9, 10, 11 and 12 of section 134 of the economic development law, subdivision 7 as added by chapter 547 of the laws of 1976, subdivision 8 as amended by chapter 361 of the laws of 2009, subdivision 9 as amended by chapter 490 of the laws of 1993, subdivision 10 as added by chapter 543 of the laws of 2002, subdivision 11 as amended by chapter 463 of the laws of 2016, and subdivision 12 as amended by chapter 16 of the laws of 2014, are amended to read as follows:

7. review pending legislation affecting small-businesses and report its findings to the commissioner; [~~and~~]

8. initiate and encourage small-business education programs in general and to coordinate with the functions of the office of general services an information and outreach program directed toward informing small-businesses in the state of procedures necessary for competing for state purchases and to coordinate with the functions of every state agency, department or authority described in section one hundred thirty-nine-g of the state finance law, pursuant to subdivision (b) of section one hundred thirty-nine-g of the state finance law, an information and 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.

LBD03250-01-9

of procedures necessary for competing for state contracts, including without limitation educating small contractors about surety bonding requirements on state contracts, and identifying resources available to such contractors in obtaining their first bond and in increasing their bonding capacity, including but not limited to the federal small business administration bond guarantee program[~~.~~]**;**

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

10. the commissioner and the commissioners of agriculture and markets and the office of general services shall initiate and encourage small-business education programs and coordinate with the functions of the office of general services, pursuant to subdivision (b) of **the former** section one hundred sixty-one-b of the state finance law, an information and outreach program directed toward informing eligible businesses in the state of procedures necessary for competing for purchases of food products pursuant to **the former** section one hundred seventy-four-a of the state finance law and subdivision eight-a of section one hundred three of the general municipal law, and to coordinate with the functions of every state agency or department described in subdivision (b) of section one hundred thirty-nine-g of the state finance law, an information and outreach program directed toward informing eligible businesses in the state of procedures necessary for competing for contracts for the purchase of food products pursuant to **the former** section one hundred seventy-four-a of the state finance law and subdivision eight-a of section one hundred three of the general municipal law[~~.~~]**;**

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

[~~**11.**~~] **12.** provide assistance to small business in the state, and facilitate access to programs serving small business, to ensure that such businesses benefit, as needed, from technical, managerial, financial, and general business assistance; training; marketing; organization and personnel skill development; project management assistance; technology assistance; bond and insurance education assistance; online marketplace lending awareness and assistance; and other business development assistance. In addition, either independently or in conjunction with other state agencies:

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

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

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

routinely interact with small businesses in this state. The department of economic development shall make translations of all educational materials available in languages other than English, including the six most common non-English languages spoken by individuals in this state[~~.~~]; and

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

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

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

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

(d) suggestions to improve small business growth;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.