

# STATE OF NEW YORK

8741--A

Cal. No. 1326

## IN SENATE

April 6, 2022

Introduced by Sens. HINCHEY, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the economic development law, the state finance law and the agriculture and markets law, in relation to enacting the New York textile act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York textile act".  
3 § 2. Legislative findings. The legislature hereby finds and declares  
4 that animal and plant fiber growing, fiber processing, and textile manu-  
5 facturing in New York has positive economic and environmental impacts.  
6 Textiles sustainably produced from animal and plant fibers are a growing  
7 sector of the global textile industry. New York's "Grown and Certified"  
8 designation identifies local, safely-handled, and environmentally  
9 responsible agricultural products, including animal and plant fiber.  
10 Animal and plant fiber farming complies with and supports New York's  
11 climate goals as, by its nature, fiber farming sequesters carbon. Addi-  
12 tionally, fiber farming represents a positive economic opportunity for  
13 New York farmers, because it constitutes value-added agriculture and is  
14 not tied to commodity pricing. New York is recognized as the fashion  
15 capital of the world, with over 900 fashion companies headquartered in  
16 the state. Historically, New York was also a leading textile producing  
17 state. Today, programs like the Hudson Valley Textile Project seek to  
18 rebuild New York's role as a leading grower and producer of animal and  
19 plant fiber and fiber textiles. Textile manufacturing is a strong jobs  
20 producer. The federal government estimates that for every textile manu-  
21 facturing industry job in this country, three additional jobs are  
22 supported. As fiber mill production capacity has grown in eastern  
23 upstate New York, the number of acres devoted to animal and plant fiber

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

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1 farming has grown along with the growth of commercial weavers and knit-  
2 ters. As these small businesses find new markets and devoted customers  
3 for their products, several New York colleges and universities have  
4 begun to offer animal and plant fiber textile programs that produce a  
5 skilled workforce. The legislature finds that the textile industry in  
6 New York is small but growing, and it produces a quality product.  
7 Therefore, the legislature seeks to accelerate the growth of the animal  
8 and plant fiber growing, processing, and textile manufacturing industry  
9 in New York by supporting it through economic development programs.

10 § 3. Section 2 of the economic development law is amended by adding  
11 two new subdivisions 6 and 7 to read as follows:

12 6. "Animal fiber" means natural fibers that have formed the covering,  
13 or fleece, of sheep or other hairy animals such as goats or alpacas,  
14 shorn for the purpose of creating textile products.

15 7. "Plant fiber" means natural fibers that are obtained from plants  
16 and used to create textile products including, but not limited to, hemp.

17 § 4. Subdivisions 18-c, 18-i and 21 of section 100 of the economic  
18 development law, subdivision 18-c as amended by chapter 92 of the laws  
19 of 2017, subdivision 18-i as added by chapter 381 of the laws of 2014,  
20 subdivision 21 as amended by chapter 420 of the laws of 1968, and as  
21 renumbered by chapter 437 of the laws of 1983, are amended to read as  
22 follows:

23 18-c. to establish, in cooperation with the commissioner of agricul-  
24 ture and markets, procedures for proposing nominations, including proce-  
25 dures to coordinate with such commissioner to determine which department  
26 shall make nominations for awards in categories that may be similar to  
27 those listed in subdivision nine of section three hundred nine of the  
28 agriculture and markets law to the governor for [~~three~~] four annual,  
29 non-monetary awards to be known as: (a) New York State Direct Farm  
30 Marketing Award; (b) New York State Agri-Tourism Award; [~~and~~] (c) New  
31 York State Specialty Food Product Award; and (d) New York Animal or  
32 Plant Fiber and Textile Award. These awards shall be given in recogni-  
33 tion of unusual efforts by farmers, food processors [~~and~~], food retail-  
34 ers, fiber processors, and textile manufacturers and retailers for the  
35 marketing of New York state grown agricultural commodities [~~or~~], foods  
36 processed from or primarily containing New York state agricultural  
37 commodities, or textiles manufactured in New York state from animal or  
38 plant fiber grown or produced predominantly in New York state and for  
39 promoting New York state farms that are also tourist destinations.

40 18-i. To aid the department of agriculture and markets and office of  
41 general services in providing a training program once per year, in each  
42 economic development region, established in article eleven of this chap-  
43 ter, to encourage and increase participation in the procurement process,  
44 pursuant to article eleven of the state finance law, by small busi-  
45 nesses, as defined in section one hundred thirty-one of this chapter,  
46 including farms, selling food or food products grown, produced,  
47 harvested, or processed in New York state, or selling animal or plant  
48 fiber products grown, harvested and processed in New York state and  
49 textile products manufactured in New York state from animal or plant  
50 fiber grown or produced predominantly in New York state, and assist such  
51 businesses in identifying such food [~~or~~], food products, or animal or  
52 plant fiber products and textile products which may help to meet state  
53 agencies' needs.

54 21. to inquire into and report to the governor when requested by [~~him~~]  
55 the governor, with respect to any program of public state improvements  
56 and the financing thereof; and to request and obtain information from

1 the state department of transportation and other state departments or  
2 agencies such information and data as may be needed properly to report  
3 thereon;

4 § 5. Section 100 of the economic development law is amended by adding  
5 six new subdivisions 16-b, 18-k, 29-a, 30-a, 31-a and 32-a to read as  
6 follows:

7 16-b. to promote the expansion of animal and plant fiber production,  
8 fiber processing, and textile manufacturing from animal or plant fiber  
9 grown or produced predominantly in New York state in cooperation with  
10 the commissioner of agriculture and markets and the urban development  
11 corporation. The commissioner in promoting such businesses may also help  
12 to promote tourist programs specified in subdivision sixteen of this  
13 section and encourage the retention of agricultural lands and preserva-  
14 tion of open spaces.

15 18-k. to promote, in cooperation with associations representing New  
16 York growers, fiber processors, and textile manufacturers, state poli-  
17 cies that will encourage the production and sale of textile products  
18 manufactured in New York state from animal or plant fiber grown or  
19 produced predominantly in New York state.

20 29-a. to advise the governor, the legislature and other state agencies  
21 with regard to research and development and the establishment of state  
22 policies relating thereto, in connection with the animal and plant fiber  
23 and fiber textile manufacturing industries and applied research.

24 30-a. to cooperate with all private persons and governmental entities  
25 concerned with the animal and plant fiber and fiber textile manufactur-  
26 ing industries and applied research.

27 31-a. to sponsor, foster and support research and to sponsor or  
28 conduct studies relating to the animal and plant fiber and fiber textile  
29 manufacturing industries and applied research.

30 32-a. to review and evaluate the status and to encourage and promote  
31 the development of the animal and plant fiber and fiber textile manufac-  
32 turing industries and applied research designed to further new and more  
33 extensive use of the resources and manpower of the state.

34 § 6. Subdivisions 2 and 3 of section 178 of the economic development  
35 law, as added by chapter 550 of the laws of 1999, are amended to read as  
36 follows:

37 2. that significant untapped agricultural resources present economic  
38 development opportunities that could promote growth thereby enhancing  
39 the well being of employers and employees in food processing, animal and  
40 plant fiber processing and other related agricultural businesses, as  
41 well as promoting the economic well being of farm families throughout  
42 the state through job creation and job retention; and

43 3. that the state's agricultural interests will be enhanced in the  
44 event opportunities to expand the market for agricultural crops and  
45 processed foods, and animal and plant fiber textile products can be  
46 developed in the state, nation and internationally.

47 § 7. Subdivisions 1, 8-a and 22 of section 352 of the economic devel-  
48 opment law, subdivisions 1 and 22 as amended by section 1 of part K of  
49 chapter 59 of the laws of 2017, and subdivision 8-a as added by section  
50 1 of part L of chapter 59 of the laws of 2020, are amended to read as  
51 follows:

52 1. "Agriculture" means both agricultural production (establishments  
53 performing the complete farm or ranch operation, such as farm owner-op-  
54 erators, tenant farm operators, and sharecroppers) and agricultural  
55 support (establishments that perform one or more activities associated  
56 with farm operation, such as soil preparation, planting, harvesting,

1 shearing, animal and plant fiber processing, and management, on a  
2 contract or fee basis).

3 8-a. "Green project" means a project deemed by the commissioner to  
4 make products or develop technologies that are primarily aimed at reduc-  
5 ing greenhouse gas emissions or supporting the use of clean energy in  
6 accordance with goals described in chapter one hundred six of the laws  
7 of two thousand nineteen. "Green project" shall include, but not be  
8 limited to, the manufacture or development of products or technologies  
9 or supply chain components primarily for renewable energy systems as  
10 defined in section sixty-six-p of the public service law, vehicles that  
11 use non-hydrocarbon fuels and produce zero or near zero emissions, heat  
12 pumps, energy efficiency, clean energy storage and other products that  
13 significantly reduce greenhouse gas emissions by minimizing the utiliza-  
14 tion of depletable resources or by improving industrial or agricultural  
15 efficiency. "Green project" shall not include a project primarily  
16 composed of (i) necessarily local activities such as retail, building  
17 construction, or the installation, deployment or adoption of a clean  
18 energy product or technology at an end user's site, or (ii) the  
19 production of products or development of technologies that would produce  
20 only marginal and incremental energy savings or environmental benefits  
21 ancillary to the core function of the product or technology.

22 22. "Scientific research and development" means conducting research  
23 and experimental development in the physical, engineering, and life  
24 sciences, including but not limited to agriculture, animal fiber, elec-  
25 tronics, environmental, biology, botany, biotechnology, computers, chem-  
26 istry, food, fisheries, forests, geology, health, mathematics, medicine,  
27 oceanography, pharmacy, physics, plant fiber, veterinary, and other  
28 allied subjects. For the purposes of this article, scientific research  
29 and development does not include medical or veterinary laboratory test-  
30 ing facilities.

31 § 8. Section 352 of the economic development law is amended by adding  
32 a new subdivision 1-a to read as follows:

33 1-a. "Animal and plant fiber textile manufacturing" means the proc-  
34 esses of harvesting, cleaning, spinning, knitting, weaving, dyeing and  
35 finishing textiles containing animal and plant fiber grown or produced  
36 predominantly in New York state.

37 § 9. Paragraph (b) of subdivision 1 of section 353 of the economic  
38 development law, as amended by section 2 of part L of chapter 59 of the  
39 laws of 2020, is amended to read as follows:

40 (b) in manufacturing, including in animal and plant fiber textile  
41 manufacturing;

42 § 10. Subparagraph (vii) of paragraph b of subdivision 3 of section  
43 163 of the state finance law, as amended by chapter 381 of the laws of  
44 2014, is amended and a new subparagraph (xiii) is added to read as  
45 follows:

46 (vii) assist the department of agriculture and markets and the depart-  
47 ment of economic development in providing a training program once per  
48 year, in each economic development region, established in article eleven  
49 of the economic development law, to encourage and increase participation  
50 in the procurement process, pursuant to this article, by small busi-  
51 nesses, as defined in section one hundred thirty-one of the economic  
52 development law, including farms, selling food or food products, animal  
53 or plant fiber products grown, produced, harvested, or processed in New  
54 York state or textile products manufactured from animal or plant fiber  
55 grown or produced predominantly in New York state and assist such busi-  
56 nesses in identifying such food ~~[or]~~, food products, or animal or plant

1 fiber products and textile products which may help to meet state agen-  
2 cies' needs.

3 (xiii) maintain a list of New York-based firms which produce or manu-  
4 facture or offer for sale animal or plant fiber textile products  
5 containing animal or plant fiber grown or produced predominantly in New  
6 York state in the form, function and utility generally purchased for use  
7 by state agencies.

8 § 11. Subdivisions 6 and 6-c of section 163 of the state finance law,  
9 subdivision 6 as amended by chapter 257 of the laws of 2021, and subdivi-  
10 sion 6-c as added by section 2 of part P of chapter 55 of the laws of  
11 2013, are amended to read as follows:

12 6. Discretionary buying thresholds. Pursuant to guidelines established  
13 by the state procurement council: the commissioner may purchase services  
14 and commodities for the office of general services or its customer agen-  
15 cies serviced by the office of general services business services center  
16 in an amount not exceeding eighty-five thousand dollars without a formal  
17 competitive process; state agencies may purchase services and commod-  
18 ities in an amount not exceeding fifty thousand dollars without a formal  
19 competitive process; and state agencies may purchase commodities or  
20 services from small business concerns or those certified pursuant to  
21 articles fifteen-A and seventeen-B of the executive law, or commodities  
22 or technology that are recycled or remanufacturing in an amount not  
23 exceeding five hundred thousand dollars without a formal competitive  
24 process and for commodities that are food, including milk and milk  
25 products, or animal or plant fiber products, grown, produced [~~or~~],  
26 harvested, or processed in New York state or textile products manufac-  
27 tured from animal or plant fiber grown or produced predominantly in New  
28 York state in an amount not to exceed two hundred thousand dollars,  
29 without a formal competitive process.

30 6-c. Pursuant to the authority provided in subdivision six of this  
31 section, for the purchase of commodities that are food, including milk  
32 and milk products, or animal or plant fiber products, grown, produced  
33 [~~or~~], harvested, or processed in New York state or textile products  
34 manufactured from animal or plant fiber grown or produced predominantly  
35 in New York state, where such commodities exceed fifty thousand dollars  
36 in value, state agencies must advertise the discretionary purchase on  
37 the state agency website for a reasonable period of time and make the  
38 discretionary purchase based on the lowest price that meets the state  
39 agency's form, function and utility.

40 § 12. Subdivision 2-d of section 16 of the agriculture and markets  
41 law, as added by chapter 381 of the laws of 2014, is amended to read as  
42 follows:

43 2-d. Coordinate with the office of general services and the department  
44 of economic development to provide a training program once per year, in  
45 each economic development region, established in article eleven of the  
46 economic development law, to encourage and increase participation in the  
47 procurement process, pursuant to article eleven of the state finance  
48 law, by small businesses, as defined in section one hundred thirty-one  
49 of the economic development law, including farms, selling food or food  
50 products, or animal or plant fiber products grown, produced, harvested,  
51 or processed in New York state or textile products manufactured from  
52 animal or plant fiber grown or produced predominantly in New York state  
53 and assist such businesses in identifying such food or food products, or  
54 animal or plant fiber textile products, which may help to meet state  
55 agencies' needs. The departments and office may also invite to the  
56 regional training programs representatives of local governments, includ-

1 ing school districts, that may be interested in purchasing New York  
2 state food products or animal or plant fiber textile products.

3 § 13. Paragraphs a and b of subdivision 9 of section 309 of the agri-  
4 culture and markets law, as added by chapter 92 of the laws of 2017, are  
5 amended to read as follows:

6 a. The advisory council on agriculture shall advise the commissioner  
7 in establishing procedures for making annual awards recognizing New York  
8 farms, agricultural [~~and~~], food, and animal or plant fiber textile busi-  
9 nesses, and institutions that are successful in producing, processing,  
10 marketing, and/or promoting New York farm [~~and~~], food, and animal or  
11 plant fiber textile products. The commissioner shall coordinate with the  
12 commissioner of economic development to determine which department shall  
13 make awards in categories that may be similar to those listed in subdi-  
14 vision eighteen-c of section one hundred of the economic development  
15 law. These awards shall be given in recognition of exceptional perform-  
16 ance and support for New York agriculture by persons, firms and organ-  
17 izations that are principally located within the state of New York and  
18 engaged in the operation of New York state farms, businesses and insti-  
19 tutions.

20 b. The council may annually nominate and forward such nominations for  
21 awards to the commissioner for [~~his or her~~] the commissioner's consider-  
22 ation in the following categories:

23 (i) innovative and unique farm products developed for food, beverages,  
24 animal or plant fiber textiles, or horticulture;

25 (ii) agri-tourism;

26 (iii) foods or beverages processed or manufactured from New York farm  
27 products;

28 (iv) retail food stores;

29 (v) restaurants and other food service businesses; [~~and~~]

30 (vi) education, health care and residential institutions including,  
31 but not limited to, food service in schools, colleges, hospitals, nurs-  
32 ing homes, day care and senior centers; and

33 (vii) animal or plant fiber textiles processed or manufactured from  
34 animal and plant fibers grown or produced predominantly in New York  
35 state.

36 § 14. The agriculture and markets law is amended by adding a new arti-  
37 cle 18-A to read as follows:

#### 38 ARTICLE 18-A

##### 39 NATURAL FIBER TEXTILE DEVELOPMENT

##### 40 Section 226. Natural fiber textile development council.

41 § 226. Natural fiber textile development council. 1. There is hereby  
42 established within the department a natural fiber textile development  
43 council. Such council shall consist of the commissioner, the commis-  
44 sioner of economic development, or their designees, and ten other  
45 persons to be appointed by the governor, including two members on the  
46 recommendation of the temporary president of the senate; two members on  
47 the recommendation of the speaker of the assembly; one member on the  
48 recommendation of the minority leader of the senate; and one member on  
49 the recommendation of the minority leader of the assembly. Of the  
50 members so appointed, at least one member shall be a producer of  
51 animal-based fibers, one shall be a producer of plant-based fibers, one  
52 shall be a representative of a statewide agricultural organization, one  
53 shall be a representative of a regional or statewide organization of  
54 animal or plant fiber producers, two shall be representatives of fiber  
55 and textile manufacturers which is defined as a fiber processor or spin-  
56 ning mill, a knitting mill, a weaving studio, or wet finishing (dyeing,

1 printing or fabric finishing), two shall be from designers/producers  
2 which is defined as including apparel, home textile products, industrial  
3 textiles and healthcare products, one shall be a representative of an  
4 academic institution offering textile or design education, and one shall  
5 be a representative of an academic institution offering fiber-producing  
6 livestock education. Members shall be appointed for a term of three  
7 years and may serve until their successors are chosen, provided, howev-  
8 er, that of the members first appointed, three shall serve for a term of  
9 one year, three shall serve for a term of two years, and four shall  
10 serve for a term of three years. The governor shall select a member of  
11 the council to serve as chairperson. Council members shall not receive  
12 compensation for their services, but may be paid their actual and neces-  
13 sary expenses incurred in serving upon the council.

14 2. The council shall work with natural fiber producers and textile  
15 manufacturers to increase the economic contributions and employment  
16 opportunities related to animal and plant fiber agriculture and textile  
17 manufacturing in New York state. The council shall give priority to  
18 increasing private investment in, and utilization of, New York state  
19 produced and processed natural fibers in all categories of textile manu-  
20 facturing including apparel, home textile products, industrial textiles,  
21 and health care products. The council shall also prioritize coordinating  
22 policy with state agencies, academia and the private sector; working to  
23 improve public understanding of and appreciation for natural fiber  
24 textiles; and increasing export and market opportunities for New York  
25 produced natural fiber textiles. The council shall deliver an annual  
26 report outlining its work and making recommendations with regard to  
27 economic development and marketing initiatives and research and develop-  
28 ment initiatives consistent with the purposes of the council. The report  
29 shall be delivered to the governor, the speaker of the assembly, the  
30 temporary president of the senate, the minority leader of the assembly  
31 and the minority leader of the senate.

32 3. The department shall provide necessary support services to the  
33 council, including, within funds available, the appointment of an execu-  
34 tive director to coordinate the work of the council.

35 § 15. This act shall take effect on the first of January next succeed-  
36 ing the date on which it shall have become a law; provided however that  
37 the amendments to section 163 of the state finance law made by sections  
38 ten and eleven of this act shall not affect the repeal of such section  
39 and shall be deemed to repeal therewith.