

# STATE OF NEW YORK

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6488--A

2021-2022 Regular Sessions

## IN ASSEMBLY

March 19, 2021

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Introduced by M. of A. STIRPE, THIELE, GRIFFIN -- read once and referred to the Committee on Small Business -- recommitted to the Committee on Small Business in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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  
20 of procedures necessary for competing for state contracts, including

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

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

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

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

25 [~~10+~~] 11. conduct a survey of all business incubators in the state and  
26 assess the need for additional incubator facilities to nurture the  
27 growth and development of small businesses[~~+~~];

28 [~~11+~~] 12. provide assistance to small business in the state, and  
29 facilitate access to programs serving small business, to ensure that  
30 such businesses benefit, as needed, from technical, managerial, finan-  
31 cial, and general business assistance; training; marketing; organization  
32 and personnel skill development; project management assistance; technol-  
33 ogy assistance; bond and insurance education assistance; online market-  
34 place lending awareness and assistance; and other business development  
35 assistance. In addition, either independently or in conjunction with  
36 other state agencies:

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

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

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

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

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

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

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

17 (d) suggestions to improve small business growth;

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

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

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

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

34 § 16-bb. Main street center grant program. 1. The corporation shall  
35 administer a statewide program to create main street centers in each of  
36 the counties in New York state, with the exception of the five boroughs  
37 of New York city.

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

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

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

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

53 § 3. The executive law is amended by adding a new section 102-a to  
54 read as follows:

55 § 102-a. Rule-making documents submitted to the secretary of state. 1.  
56 On or after January first, two thousand twenty-three, all rule-making

1 documents shall be submitted to the secretary of state in electronic  
2 format. The secretary of state shall make such documents available with-  
3 out charge to the public electronically, and shall disseminate such  
4 documents without charge to interested parties by various means, includ-  
5 ing at a minimum through one or more electronic mailing lists, RSS  
6 feeds, and any other technologies determined by the secretary to be  
7 effective in providing timely and effective access to rule-making infor-  
8 mation. At least one such means shall utilize a rules tracker program or  
9 similar program that enables a user to customize the rule-making infor-  
10 mation that will be provided.

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

14 § 4. Paragraph (a) of subdivision 6-a of section 202 of the state  
15 administrative procedure act, as amended by chapter 512 of the laws of  
16 2019, is amended to read as follows:

17 (a) An agency shall transmit a copy of any rule making notice prepared  
18 pursuant to this article to the governor, the temporary president of the  
19 senate, the speaker of the assembly, the minority leader of the assembly  
20 and the administrative regulations review commission at the time such  
21 notice is submitted to the secretary of state for publication in the  
22 state register. Such transmittal shall include the complete rule text,  
23 regulatory impact statement, regulatory flexibility analysis, rural area  
24 flexibility analysis, or revisions thereof, and any other information  
25 submitted to the secretary of state pursuant to this article. Further-  
26 more, such transmittal may be completed by electronic means in accord-  
27 ance with article three of the state technology law.

28 § 5. This act shall take effect immediately.