

STATE OF NEW YORK

9649--A

R. R. 353

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. WOERNER, LUPARDO, GRIFFIN, FAHY, STIRPE, GOTTFRIED, DICKENS, BUTTENSCHON, JONES, GLICK, COLTON, KELLES, DeSTEFANO, J. A. GIGLIO, LEMONDES -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Economic Development -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special 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

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

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supported. As fiber mill production capacity has grown in eastern upstate New York, the number of acres devoted to animal and plant fiber farming has grown along with the growth of commercial weavers and knitters. As these small businesses find new markets and devoted customers for their products, several New York colleges and universities have begun to offer animal and plant fiber textile programs that produce a skilled workforce. The legislature finds that the textile industry in New York is small but growing, and it produces a quality product. Therefore, the legislature seeks to accelerate the growth of the animal and plant fiber growing, processing, and textile manufacturing industry in New York by supporting it through economic development programs.

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

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

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

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

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

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

21. to inquire into and report to the governor when requested by ~~him~~
the governor, with respect to any program of public state improvements
and the financing thereof; and to request and obtain information from
the state department of transportation and other state departments or
agencies such information and data as may be needed properly to report
thereon;

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

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

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

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

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

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

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

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

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

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

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

1. "Agriculture" means both agricultural production (establishments
performing the complete farm or ranch operation, such as farm owner-op-

erators, tenant farm operators, and sharecroppers) and agricultural support (establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, shearing, animal and plant fiber processing, and management, on a contract or fee basis).

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

22. "Scientific research and development" means conducting research and experimental development in the physical, engineering, and life sciences, including but not limited to agriculture, animal fiber, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, plant fiber, veterinary, and other allied subjects. For the purposes of this article, scientific research and development does not include medical or veterinary laboratory testing facilities.

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

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

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

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

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

(vii) assist the department of agriculture and markets and the department of economic development in providing a training program once per year, in each economic development region, established in article eleven of the economic development law, to encourage and increase participation in the procurement process, pursuant to this article, by small businesses, as defined in section one hundred thirty-one of the economic development law, including farms, selling food or food products, animal or plant fiber products grown, produced, harvested, or processed in New

York state or textile products manufactured from animal or plant fiber grown or produced predominantly in New York state and assist such businesses in identifying such food ~~[or]~~, food products, or animal or plant fiber products and textile products which may help to meet state agencies' needs.

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

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

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities for the office of general services or its customer agencies serviced by the office of general services business services center in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to articles fifteen-A and seventeen-B of the executive law, or commodities or technology that are recycled or remanufacturing in an amount not exceeding five hundred thousand dollars without a formal competitive process and for commodities that are food, including milk and milk products, or animal or plant fiber products, grown, produced ~~[or]~~, harvested, or processed in New York state or textile products manufactured from animal or plant fiber grown or produced predominantly in New York state in an amount not to exceed two hundred thousand dollars, without a formal competitive process.

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

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

2-d. Coordinate with the office of general services and the department of economic development to provide a training program once per year, in each economic development region, established in article eleven of the economic development law, to encourage and increase participation in the procurement process, pursuant to article eleven of the state finance law, by small businesses, as defined in section one hundred thirty-one of the economic development law, including farms, selling food or food products, or animal or plant fiber products grown, produced, harvested, or processed in New York state or textile products manufactured from animal or plant fiber grown or produced predominantly in New York state and assist such businesses in identifying such food or food products, or

1 animal or plant fiber textile products, which may help to meet state
2 agencies' needs. The departments and office may also invite to the
3 regional training programs representatives of local governments, includ-
4 ing school districts, that may be interested in purchasing New York
5 state food products or animal or plant fiber textile products.

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

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

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

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

28 (ii) agri-tourism;

29 (iii) foods or beverages processed or manufactured from New York farm
30 products;

31 (iv) retail food stores;

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

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

36 (vii) animal or plant fiber textiles processed or manufactured from
37 animal and plant fibers grown or produced predominantly in New York
38 state.

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

41 ARTICLE 18-A

42 NATURAL FIBER TEXTILE DEVELOPMENT

43 Section 226. Natural fiber textile development council.

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

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

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

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

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