STATE OF NEW YORK

4083

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Economic Development

AN ACT to amend the public authorities law and the economic development law, in relation to expanding employee ownership assistance for transgender and non-binary individuals

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

Section 1. Section 1836-a of the public authorities law, as added by chapter 788 of the laws of 1983, is amended to read as follows:

§ 1836-a. Legislative findings. The legislature hereby finds and declares that the health, safety and general welfare of the people of this state are directly dependent upon the state economy, and that one of the principal problems of our present economy is the permanent closing of industrial and manufacturing plants, **and other businesses,** and their relocation out of state, which results in the loss of jobs and increasing unemployment.

It is the purpose of this subtitle to encourage [~~the~~] employees of plants **and other businesses** that are about to be permanently closed, or relocated, to acquire such plants **and businesses** and to continue to operate them as employee-owned enterprises, thereby retaining the jobs that would otherwise be lost, and strengthening the economic base of this state.

§ 2. Subdivisions 3, 4 and 8 of section 1836-b of the public authorities law, subdivisions 3 and 8 as added by chapter 788 of the laws of 1983, and subdivision 4 as amended by chapter 805 of the laws of 1985, are amended to read as follows:

3. "Eligible project" means the acquisition or rehabilitation by an employee ownership association of an existing industrial or manufacturing plant **or other business** located in this state for the purpose of operating it as an employee-owned enterprise.

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

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4. "Employee ownership association" means a corporation or other association formed by or on behalf of the employees of an industrial or manufacturing plant **or business** located in this state for the purpose of assuming ownership or control of the plant **or business** and operating it as an employee-owned enterprise or as a worker cooperative as defined in section eighty-one of the cooperative corporations law.

8. **"Business" includes a sole proprietorship, partnership or corporation operating in this state.**

9. "Project cost" includes all reasonable and necessary costs to be incurred in the course of an eligible project, including any anticipated acquisition, construction, land acquisition, improvements, equipment, pertinent rights and easements, and associated technical, engineering, legal and financial services.

§ 3. Paragraph (b) of subdivision 1 of section 1836-c of the public authorities law, as added by chapter 788 of the laws of 1983, is amended to read as follows:

(b) the history and circumstances of the plant **or business** to be acquired;

§ 4. Section 1836-d of the public authorities law, as added by chapter 788 of the laws of 1983, is amended to read as follows:

§ 1836-d. Loan preferences. In approving applications for loans under this subtitle, the authority shall give preference to projects which:

1. **have a membership consisting of a majority of minority, transgender, or non-binary members;**

2. have a higher level of funding from the funding partners;

[~~2.~~] **3.** have the most direct impact on local economic development and the creation or retention of employment opportunities;

[~~3.~~] **4.** are most likely to stimulate other private sector investments; and

[~~4.~~] **5.** are least speculative, and provide greatest assurance of repayment of the loan.

§ 5. Subdivision 7 of section 104-a of the economic development law, as added by chapter 788 of the laws of 1983, is amended to read as follows:

7. Identify [~~industrial and manufacturing~~] businesses that are in danger of being permanently closed or relocated out of state, which results in the loss of jobs and increasing unemployment, and assist the businesses and employees of such businesses by distributing information about the provisions of this section.

§ 6. Subdivisions 3 and 4 of section 210 of the economic development law, as amended by chapter 669 of the laws of 2022, are amended to read as follows:

3. "Minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business at least fifty-one per centum of the stock of which is owned by, citizens or permanent resident noncitizens who are **transgender or non-binary,** Black, Hispanic, Asian or American Indian, Pacific Islander or Alaskan Native where such ownership interest is real, substantial and continuing and where such persons have the authority to independently control the day-to-day business decisions of the entity.

4. "Minority group member" shall mean a United States citizen or permanent resident noncitizen who is and can demonstrate membership in one of the following groups:

(a) Black persons having origins in any of the Black African racial groups not of Hispanic origin;

(b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin, regardless of race;

(c) Asian and Pacific Islander persons having origins in the Far East, Southeast Asia, the Indian sub-continent or the Pacific Islands; or

(d) American Indian or Alaskan Native persons having origins in any of the original peoples of North America**; or**

(e) Transgender or non-binary.

§ 7. This act shall take effect immediately.