

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Economic Development, Job Creation,
Commerce and Industry
Robin Schimminger, Chairman



ROBIN SCHIMMINGER
140th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Economic Development,
Job Creation, Commerce and Industry

COMMITTEES
Codes
Health
Ways & Means

December 15, 2014

Honorable Sheldon Silver
Speaker of the New York State Assembly
Legislative Office Building
Room 932
Albany, NY 12248

Dear Speaker Silver:

I am pleased to submit the 2014 Annual Report of the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry.

During the 2014 Legislative Session, the Committee considered significant legislation impacting State and local economic development and the Alcoholic Beverage Control Law. New economic development initiatives were enacted including legislation streamlining regulations on the alcoholic beverage industry while creating new business opportunities for this sector and providing funding for the fourth funding round of the Regional Economic Development Councils.

On behalf of the members of the Committee, I wish to thank you for supporting our efforts to encourage economic development and job creation across New York State. With your continued leadership we look forward to a productive session in the year to come.

Sincerely,

Robin Schimminger, Chair
Committee on Economic Development, Job
Creation, Commerce and Industry

2014 Annual Report

New York State Assembly
Committee on Economic Development, Job Creation,
Commerce and Industry

Robin Schimminger, Chairman

Committee Members

Majority

David F. Gantt
Kevin Cahill
William Magnarelli
Philip R. Ramos
Donna Lupardo
Addie Russell
Ellen Jaffee
Francisco Moya
Michael A. Simanowitz
Anthony Brindisi
Phillip Goldfeder
Harry Bronson
Al Stirpe
Didi Barrett
Frank Skartados
Martiza Davila

Minority

Steven McLaughlin
Marc W. Butler
James N. Tedisco
Clifford Crouch
Steve Katz
David DePietro
Andrew Garbarino

Staff

Giovanni Warren, Assistant Secretary for Program and Policy
Lekeya Martin, Legislative Analyst
Victoria Choi, Associate Counsel
Katherine Kurtessis, Committee Assistant
Kenneth Berlinski, Chief of Staff
Vanessa Komarnicki, Legislative Director
Patrice Mago, Committee Clerk

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INTRODUCTION: COMMITTEE JURISDICTION

The Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry is responsible for legislation that affects economic development and business regulation throughout the State. The Committee is also responsible for oversight of the State's various economic development agencies, authorities, and programs that play an important role in determining the State's overall economy. Additionally, the Committee is responsible for oversight of the controlled sale of alcoholic beverages and the licensing, registration, and regulation of a broad spectrum of industries associated with the production, distribution, and sale of alcoholic beverages.

The Committee interacts with many State agencies, economic development organizations, and other groups and associations on these important issues. The State agencies include the Department of Economic Development, the Urban Development Corporation, the Job Development Authority, the Department of State, the Division of Criminal Justice Services, the State Liquor Authority, the Department of Labor, and the Department of Law. At the local level, the Committee works with a number of organizations, including not-for-profit local development corporations, economic development agencies, various not-for-profit foundations, colleges and universities, chambers of commerce, and Small Business Development Centers.

II. FY 2014-2015 ECONOMIC DEVELOPMENT INITIATIVES

The Committee advanced several key initiatives to boost New York's economy with a focus on creating jobs and opportunities for businesses and entrepreneurs. The following are highlights that impact businesses in New York State.

PROGRAMMATIC ISSUES

Empire State Development / Urban Development Corporation

The Urban Development Corporation is currently doing business as Empire State Development (ESD). The mission of ESD is to promote economic development by providing loans, grants, tax credits, and other financial assistance to local governments, businesses, and not-for-profit corporations in order to develop stable and growing local economies. The following are the 2014 highlights relating to economic development initiatives that the Assembly has funded through ESD:

- A fourth round of funding was authorized for the Regional Economic Development Councils in 2014 with \$150 million in capital grants and \$70 million in Excelsior Tax Credits. The 10 Regional Councils are a collaborative effort between the public and private sector to develop and implement regional Strategic Plans. Each plan endorses specific local economic development projects, and aims to boost job creation, and capitalize on existing assets. In addition to priority awards of capital grants and Excelsior Tax Credits, the Regional Councils will continue to participate in the Consolidated Funding Application process to endorse regionally significant projects that are under consideration for additional existing State funding.
- The START-UP NY Program was established in 2013 as a retention tool to keep young graduates in the State. The Program is an economic development collaboration with public and independent universities and colleges. Under the Program, participating businesses are eligible to operate tax free for 10 years in designated areas in partnership with higher education institutes across the State. This year the Legislature amended the program to expand eligibility to four former correctional facility sites. These specific designations assist the State in increasing economic activity in struggling communities through the repurposing of existing State facilities.
- A new Faculty Development and Technology Transfer Program Advisory Council was created to partner with higher education institutions with the goal of increasing commercialization of technology developed in the State. As a proponent of technological advances and tech manufacturing jobs, the Legislature expects their work with the Council will increase such opportunities and bring high-wage jobs to the State through additional research, tech advances, and commercialization.
- Manufacturers licensed by the New York State Liquor Authority will be able to expand their operations and promote their products with new provisions approved this year. Production capacity was raised for all craft beverage manufacturers and the types of permissible adjacent establishments manufacturers are allowed to operate have been expanded. Farm distilleries may now operate a "branch office" as an additional outlet for their products, while cider

manufacturers may now operate an adjacent hotel or establishment, similar to existing manufacturers. The legislation was passed in consideration of the State's growing agri-business and agri-tourism markets. In addition, apple farmers will have a growing cider market to invest in and new cideries in New York State will be able to quickly expand operations in order to compete nationally.

- The Centers of Excellence Program is a public-private collaboration with scientific research centers located around the State at various college campuses. The Program was established to increase the State's commitment to research, higher education, and commercialization of technologies in the State. Funding for the Center of Excellence Program was restored in this year's budget. Each Center of Excellence, including new established centers such as [the] Materials Informatics at the University at Buffalo, Sustainable Manufacturing at the Rochester Institute of Technology, Data Science at the University of Rochester, and Advanced Energy Research at Stony Brook University, will receive \$872,333 this year.

III. IMPROVING NEW YORK'S ECONOMY AND CREATING JOBS

The Committee believes that the State has an important role in facilitating economic development. The State's role should be to partner with the private sector to create growing local economies and to focus its incentives to support clusters such as emerging high technology industries in New York. The Committee supports legislation that focuses economic development efforts towards assisting companies that retain and create jobs and contribute to the economic stability and revitalization of communities across New York. Companies that seek and receive State financial assistance should commit to retain or create jobs in their communities. Where appropriate, the State should seek to leverage resources and provide assistance to emerging industries, thereby supporting the growth of specialized clusters in growing fields of employment.

Additionally, the Committee recognizes that it is at the local and regional levels that the most informed decisions regarding economic development are made and that the State's economic development programs should incorporate regionalized expertise. The focus on regionalization helps streamline the administration of programs and fosters better State and local partnerships. With the continued support of the Committee, Governor Cuomo has instituted a fourth round of funding for the Regional Economic Development Councils. The 10 Regional Councils spent all of 2014 implementing innovative and comprehensive Strategic Plans for their respective regions. The Regional Councils were awarded \$200 million in financial support in 2011, \$220 million in 2012 and \$220 million in 2013, and another \$220 million in 2014 to further implement their updated Strategic Plan. They also played an important role in determining how millions of dollars in existing economic aid was awarded through the State's Consolidated Funding Application (CFA). This year's CFA funding will consist of up to \$750 million in state resources with the Regional Councils again weighing in on applications in their region.

The Committee focused its efforts this year on initiatives that support emerging industries and promote development of key agricultural, technological, and business enterprises.

**Enacts the New York State Green Economic Development Zones Act
(A.128-B, Cusick)**

Reported and Referred to Ways and Means

This bill would create the New York Green Economic Development Zones Act to provide tax credits to assist businesses that operate in the production, research, development or application of green technologies and services within Staten Island. This is part of the New York City Regional Economic Development Council's goal of encouraging economic growth in innovative industries and job creation, while continuing its commitment to green initiatives.

**Creates the Technology Commercialization Partnership Program
(A.404-A, Magnarelli)**

Reported and Referred to Ways and Means

This bill would create the Technology Commercialization Partnership Program, which would be administered by the Department of Economic Development. The Program would provide early stage commercialization assistance through partnerships that include Centers for Advanced Technology, Centers of Excellence, and New York State universities. The bill seeks to fill the current gap between research and commercialization in the State in order to accelerate job growth and economic activity.

**Establishes the Empire Revolving Bridge Loan Fund
(A.448-A, Magnarelli)**

Reported and Referred to Ways and Means

This bill would amend the New York State Urban Development Corporation Act to establish the Empire Revolving Bridge Loan Fund. The Fund would provide short term bridge financing for large scale economic development projects that meet certain conditions relevant to cost, job creation, and location.

**Establishes the Second Avenue Subway Construction Economic Development Grant Program
(A.1514, Rodriguez)**

Reported and Referred to Ways and Means

This bill would create the Second Avenue Subway Construction Economic Development Grant Program. The Program would provide financial and technical assistance to struggling small businesses located within the Second Avenue subway construction zone.

**Amending JOBS Now Program Requirements
(A.2773, Wright)**

Passed Assembly

This bill would require businesses that have received funding through the JOBS Now Program to pay back funding received if they leave the State within five years of receiving such funding.

**Aiding Small Businesses and Entrepreneurs
(A.4738, Schimminger)**

Reported and Referred to Ways and Means

This bill would require the Department of Economic Development, the Job Development Authority, and the Urban Development Corporation to provide preference to small businesses and entrepreneurs in the administration of their economic development assistance programs. This bill would also require annual reports on activities undertaken in order to provide small businesses and entrepreneurs with preference in the awarding of funds.

Encouraging Women and Minorities in STEM Programs (A.6417-B, Rosenthal)

Passed Assembly

The bill would provide science, technology, engineering and mathematics (STEM) grants to local education agencies to encourage women and minorities to pursue technology careers.

Creating Kitchen Incubators (A.6997, Cook)

Reported and Referred to Ways and Means

This bill would establish a kitchen incubator/shared-use kitchen facility program within the Urban Development Corporation. The bill would also provide for grant funding to local development corporations, municipalities, educational institutions, and not-for-profit entities for the development or expansion of kitchen incubator/shared-use kitchen facilities.

Establishing Regional Technology Development Centers (A.7161, Rosenthal)

Passed Assembly

This bill would move the authorizing statute of the Regional Technology Development Centers program to the New York State Economic Development Law and provide that the program would be administered by Empire State Development's Division of Science, Technology, and Innovation. These centers provide entrepreneurial and financial support to businesses and assist new and emerging businesses in using new technology and best practices as part of New York State's goal of increasing high-tech industry and technology within the State.

Growing a Competitive Workforce (A.7673, Stirpe)

Veto Memo 492

This bill would authorize state funding through New York State Economic Development Fund to educational institutions, not-for-profits, industry public-private partnerships, and individuals, for training and certification needed to enter the field of advanced manufacturing. This field often requires a specialty skill set that cannot be obtained through a traditional two or four year degree program, but rather non-credit training courses. Offering support for these programs will foster the field of skilled workers in the State.

This bill passed the Assembly and Senate and was vetoed by the Governor. The veto message argued that although the bill has merit, such a program already exist within Empire State Development through the Economic Development Fund, and therefore increased funding for the program should be considered in the context of the State budget.

Encouraging Farmers' Markets (A.8677, Rosenthal)

Passed Assembly

This bill would provide funding through Empire State Development for the construction of urban and regional farmers' markets. Farmers' markets encourage revitalization of cities and urban areas, and provide positive vendor to consumer relationships. Further, it allows for access to fresh and local products in underserved areas.

IV. REFORMING THE ALCOHOLIC BEVERAGE INDUSTRY

The Committee's primary responsibility in the area of the Alcoholic Beverage Control Law (ABCL) is to ensure the safe and lawful manufacturing and distribution of alcoholic beverages in the State and growing it as an industry. In addition, the Committee has recognized the changing market for alcoholic products in relation to agri-business, tourism, agri-tourism, and manufacturing. For example, legislation creating a farm cidery license was enacted last year, and under this license, manufacturers are required to use New York State grown apples in their production, thus providing an additional outlet for New York State farmers growing various types of apples.

In addition, the Committee continued its efforts aimed at modernizing the law and has specifically sought to reduce outdated and unnecessary restrictions in the ABCL. The Committee passed legislation providing manufacturers with additional flexibility in promoting their alcoholic products and fostering growth by increasing production capacity. The Committee also focused on quality of life issues including maintaining adequate control over problem establishments and ensuring community participation in the licensing process of retail establishments that serve alcoholic beverages on premise.

The Committee will continue its review of the ABCL to ensure the law is supporting a market that functions best for consumers and businesses. The Committee will continue to support legislation that ensures communities have adequate information and notice as they make decisions in regard to the future of alcohol manufacturing businesses and retail establishments located in their neighborhoods.

Amending Restrictions on Police Officers (A.7618B, Steck)

Chapter 412 of the Laws of 2014

This bill allows police officers to serve as an officer in a volunteer firefighters' organization that holds an on-premise license. The current law prohibits police officers from being directly or indirectly interested in the sale of alcoholic beverages. If an organization holds an on-premise license, police officers may be disqualified from holding an official title within the organization.

Exempting a Business from the 200 Foot Rule (A.8277, Lentol)

Chapter 100 of the Laws of 2014

This law exempts a particular business in Kings County from the 200 Foot Rule and authorizes the State Liquor Authority to issue them a license.

Aiding a New Farm Distillery (A.8579 Magee)

Chapter 301 of the Laws of 2014

This law will allow Cooperstown Vodka to apply for a farm distillery license. Cooperstown Vodka requires an exemption because an establishment licensed to sell alcoholic beverages at retail is prohibited from also having an interest in manufacturing.

Promoting the Alcoholic Beverage Industries (A.8679, Magee)

Chapter 406 of the Laws of 2014

This bill provides that state policy will promote economic development and job opportunities in the beer,

wine, and liquor industries of New York. Current law dates back to the Prohibition Era, and should be updated to reflect New York's goal of promoting the beer, wine, and liquor industry as an economic development tool.

Allowing Temporary Permits

(A.9424, Schimminger)

Chapter 337 of the Laws of 2014

This law authorizes the State Liquor Authority to continue to issue temporary permits while vetting the license application. This temporary license allows businesses to begin operating while being evaluated.

Permitting a Restaurant-Brewer License for the Culinary Institute of America

(A.9846, Barrett)

Chapter 200 of the Laws of 2014

This law authorizes the Culinary Institute of America (CIA) in Hyde Park to partner with Brooklyn Brewery for educational and instructional purposes. The CIA would then sell the beer they manufacture with the aid of Brooklyn Brewery at the restaurants on their campus.

Assisting Local Business

(A.9864-A, Magnarelli)

Chapter 282 of the Laws of 2014

This law authorizes an exemption for a venue and is necessary because an exemption is required for establishments that have manufacturers, wholesalers, and retailers sharing an interest in a liquor license.

Aiding Local Development

(A.10094, Silver)

Chapter 457 of the Laws of 2014

This bill allows a certain establishment to apply to the State Liquor Authority for a license to sell alcoholic beverages. This establishment requires an exemption because of the 200 Foot Rule.

Encouraging Growth for Manufacturers

(A.10122, Schimminger)

Chapter 431 of the Laws of 2014

This legislation amends the Alcoholic Beverage Control Law to allow additional activities for manufacturers under the law. The legislation authorizes farm distilleries to operate a "branch office" as an additional outlet for their product and provides that all manufacturers licensed by the State Liquor Authority may conduct tastings and sell by the bottle or glass of the alcoholic beverages it manufactures without the need for an additional license. The legislation also provides parity to cideries to allow them to operate a restaurant, hotel, or other establishments similar to existing manufacturers. The bill increases the production capacity for all manufacturers and expands the types of permissible adjacent establishment a manufacturer can operate.

Extending the Hearing Notice Requirement

(A.1957, Lentol)

Passed Assembly

This bill would require the State Liquor Authority to notify the respective community board or municipality 30 days prior to a special 500 foot hearing, extending it from the current period of 15 days before the hearing.

Informing Communities of 500 Foot Rule Exemption Applications

(A.1958, Lentol)

Passed Assembly

This bill would revise procedures for the issuance of retail liquor licenses for on premises consumption for premises within 500 feet or three or more existing premises. A copy of the application for exemption must be provided to the municipality or community board and a public hearing must be held. Fifteen days of notice must be given before the hearing so that the community has time to review the application and participate in the hearing in an informed manner.

Assisting Non-Profit Organizations

(A.2894-A, Ortiz)

Passed Assembly

This bill would direct the State Liquor Authority to allow all not-for-profit establishments regulated by the Authority at least 30 days for billing procedures. Many non-profits or veterans' organizations utilize volunteers or part-time workers, or hold board meetings only once a month. This makes it difficult to reconcile delivery, billing, or budget issues.

Supporting Local Businesses

(A.3735, Benedetto)

Passed Assembly

This legislation would authorize the sale of alcoholic beverages for onsite consumption at 11:00AM . on Sundays, a change from the current time of 12:00PM. This change would have a positive impact for locations that sell Sunday brunch, and potentially increase their revenues overall.

Making Establishment Information Accessible

(A.6073, Glick)

Passed Assembly

This bill would require the State Liquor Authority to make conditions imposed on an establishment available on the SLA website. Currently the SLA provides some information, such as location and type of license, but this bill would require the website to include any conditions imposed on the business/licensee by the SLA.

Notifying Communities of Liquor Store License Applications

(A.1534, Cymbowitz)

Reported and Referred to Rules

This bill would require that applicants for the operation of a liquor store in New York City notify the local community board upon submission of the license application to the State Liquor Authority.

Raising Community Awareness of Liquor License Applications

(A.1577, Lentol)

Reported and Advanced to 3rd Reading

This legislation would require that businesses filing a new application for a retail liquor license or special retail liquor license to post notice of their intent at the premise using vibrant, neon, fluorescent, or "Day-Glo" ink in order to ensure awareness of the application. This would also apply to notice of the scheduled hearing and relevant information about the use and capacity of the premises.

Strengthening the Alcoholic Beverage Control Law

(A.2026-A, Schimminger)

Reported and Referred to Codes

This bill would amend Alcoholic Beverage Control Law, Penal Law, and Vehicle and Traffic Law to authorize courts to suspend a driver's license of an underage drinker or person in possession of marijuana that fails to appear before court, pay a fine, or complete an alcohol awareness program or community service. Currently, courts may only issue an appearance ticket under Civil Law, thus making it difficult for courts to enforce court appearances or impose increased fines, educational measures, or community service requirements.

Formalizing Consistencies in the State Liquor Authority Application Process

(A.2064-A, Kavanagh)

Reported and Advanced to 3rd Reading

This bill would make consistent the factors that would be considered by the State Liquor Authority when determining the effects on public convenience, advantage, and interest by the granting of any of the on-premises liquor licenses provided for in Article 5 of the Alcoholic Beverage Control Law.

Requiring Community Notice of All-Night Liquor License Applications

(A.2593, Rozic)

Reported and Advanced to 3rd Reading

This bill would require applicants to notify the community board when applying for an all-night liquor license. These licenses are granted for special events to locations that already possess a license, therefore it currently does not require the community board to be notified. This bill would allow the community board to be aware of the application and provide input.

Notifying Communities of Application Renewals

(A.3389, Glick)

Reported and Advanced to 3rd Reading

This bill would require the State Liquor Authority to notify community boards and municipalities upon application for renewal of a license and to create a standardized form for comment by the locality. This would allow all community boards and municipalities to have access to adequate information and allow for community input.

Obtaining Community Opinion Before Granting a License

(A.5317, Moya)

Reported and Advanced to 3rd Reading

This bill would require notice to a locality and allows a community board to express an opinion for or against the granting or renewal of a license to sell liquor at retail for consumption off the premises in cities having a population of one million or more persons. This bill would also add renewals as an application that a community board may submit an opinion regarding.

Imposing Conditions on Licenses

(A.5356, Gottfried)

Reported and Advanced to 3rd Reading

This bill would authorize the State Liquor Authority (SLA) to include terms and conditions as an extension of a license for bars and restaurants. Such conditions may include restrictions on operating time or

preemptive suspensions, thus giving the SLA and the community additional authority in the application approval process.

Removing Street-Level Entrance Requirement

(A.6591, Schimminger)

Reported and Referred to Rules

This legislation would remove the requirement that stores selling alcoholic beverages for off-premise consumption be required to have a street level entrance.

Raising Profit Sharing for Stadiums

(A.9684-B, Peoples-Stokes)

Reported and Advanced to 3rd Reading

This bill would authorize stadiums contracting with others to increase revenue or profit sharing between landlords and tenants.

V. PROTECTING CONSUMERS WHILE ASSISTING BUSINESSES

The Committee continues to advance legislation to regulate businesses, to enhance public good, and to support the State's market economy. In evaluating legislation, the Committee seeks to balance the legitimate concerns of the business community with those of consumers. The Committee supports legislation that avoids imposing undue burdens on businesses and protects consumer safety.

Eliminating Certain Chemicals from Nail Products

(A.710, Rosenthal)

Reported and Referred to Codes

This bill would prohibit the manufacturing, distribution, and sale of nail polish and hardener containing dibutyl phthalates, toluene, or formaldehyde. The bill seeks to protect nail technicians and their clients from the ingestion of harmful chemicals as such products are unregulated by the Food and Drug Administration.

Amending Anti-Trust Law

(A.904, Weprin)

Reported and Advanced to 3rd Reading

This bill would authorize a class action suit in a case involving anti-trust law.

Prohibiting the Sale of Fraudulently Labeled Electrical Cords

(A.1041-A, Jaffee)

Passed Assembly

This legislation would require merchants to sell only properly sourced electrical cords and raise awareness through education and training of the dangers associated with using fraudulently labeled electrical cords. It seeks to protect consumers from the dangers that may develop from the use of faulty electrical cords. The bill also provides fines for merchants found selling incorrectly marked electrical cords.

**Prohibiting Spyware
(A.1283, Rodriguez)**

Reported and Referred to Codes

This bill would enact the Computer Spyware Protection Act, which would prohibit the installation, transmission, and use of computer software that collects personally identifiable information. This bill would also authorize the Attorney General to bring a civil action against any person who violates any provision of the Act.

**Prohibiting Vendor Sales of Certain Products
(A.2027, Schimminger)**

Reported and Referred to Codes

This bill would prohibit itinerant vendors from selling baby food, nonprescription drugs, cosmetics, and batteries. These products can be resold, putting the consumer at risk as these products may not have been properly stored or acquired by the vendor.

**Expanding Zone Pricing Provisions of Motor Fuel
(A.2290, Thiele)**

Passed Assembly

This bill would expand zone pricing provisions to include regulations for wholesalers and dealers of motor fuel in order to eliminate this unfair business practice and increase the enforceability of the law. The bill would clarify terms such as "relevant geographic market" and address the issue of arbitrary pricing.

**Requiring Signatures for Sale of Property
(A.2806-A, Wright)**

Reported and Referred to Codes

This bill would require an individual to use his or her signature to affirm ownership of personal property when selling goods to a collateral loan broker.

**Prohibiting Sale of Law Enforcement Identification
(A.3621, Pretlow)**

Reported and Referred to Codes

This bill would prohibit the sale of law enforcement insignia, such as a badge, shield, or identification card, and provide a civil penalty of \$250 upon violation of the provisions.

**Requiring Cleaning of Oil Spillage
(A.3715, Pretlow)**

Reported and Referred to Codes

This bill would require oil companies to clean up spillage occurring during a delivery within 24 hours of the spill. The bill seeks to protect consumers and the environment by reducing hazardous ground waste and imposes a \$500 fine upon the first violation and a \$1000 fine for every violation thereafter.

**Increasing Penalties for Fraudulent Sale of Patriotic Items
(A.4884, Ortiz)**

Reported and Referred to Codes

This bill would increase the penalty for the fraudulent sale of articles sold for patriotic purposes such as poppies, forget-me-nots, daisies, or flags to \$500 for a first offense and to \$1,000 for a second offense.

Requiring Licenses for Private Investigators

(A.6538-A, Schimminger)

Reported and Referred to Rules

This bill would require that private investigators hold licenses. Private investigators would be permitted to perform the work of bail enforcement agents or work for a watch, guard, or patrol agency with this license. Anyone conducting work as a private investigator without a license would be guilty of a Class A misdemeanor.

Regulating Sale of Motor Fuel Retail Outlets

(A.7011, Thiele)

Reported and Advanced to 3rd Reading

This bill would prohibit the producer or refiner from selling, transferring, or assigning interest in a motor fuel retail outlet leased to a dealer without offering the dealer the right of first refusal.

Updating the Cosmetology Curriculum

(A.8286-A, Pretlow)

Passed Assembly

This bill would create an advisory committee to advise the Department of State on the updating of the cosmetology curriculum to include ethnic and cultural training. This bill would also require the advisory committee to develop a professional curriculum and State Examination that incorporates training for a full range of knowledge regarding a diverse range of hair textures.

Requiring Human Trafficking Recognition Training

(A.9348-A, Titone)

Passed Assembly

This bill would require that human trafficking recognition training be provided to all employees of destination resort gaming operations and that such training be offered to gaming operations for voluntary implementation under the Indian Gaming Regulatory Act upon request.

Prohibiting the Sale of Railroad Scrap Material

(A.9453, Lupardo)

Reported and Referred to Codes

This bill would prohibit the sale or purchase of metallic bearing railroad markings materials as scrap unless the seller is a commercial enterprise.

VI. 2014 PUBLIC HEARING/ROUNDTABLES

Alcoholic Beverage Storage

On May 16th, 2014, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing regarding “at rest” legislation. The hearing examined the “at-rest” proposals that would require manufacturers licensed by State Liquor Authority to store their alcohol products with a licensed New York wholesaler for 24 to 48 hours. The hearing was held in New York City.

Members from all three tiers of the industry testified on the proposal. The concerns voiced included additional costs related to storage and reduced market participation by smaller manufacturers. Supporters advocated for competition equality with neighboring states that have enacted at-rest regulations.

Budget Oversight

On December 12, 2014, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a joint public hearing on the State Fiscal Year 2014-2015 budget and program initiatives. The hearing focused on the overall impact, implementation, and effectiveness of economic development programs such as Start-Up New York, Regional Economic Development Councils, the Excelsior Jobs Program, and the Business Incubator and Innovation Hot Spot Program, as well as discussed the operation of the State Liquor Authority.

VII. OUTLOOK FOR 2015

The 2014 Legislative Session was very productive and the Committee will continue its focus on attracting businesses to New York State and the creation of jobs in the State across all sectors, with an emphasis on high growth sectors, in the coming year. The recent creation of tax-free opportunities for businesses reflects the Committee's commitment to increasing the State's visibility in the business community and the State's promotion of its unique resources and excellent talent pool in the form of colleges, universities, and high-skilled graduates. The Committee will also continue its work to ease regulatory burdens and obstacles on the alcoholic beverage industry and foster the growth of agri-business and agri-tourism in the State.

APPENDIX A

2014 SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE, AND INDUSTRY

Final Disposition of Bills	Assembly	Senate	Total
Bills Reported With or Without Amendment			
To Floor; Not Returning to Committee	9	0	9
To Floor; Recommitted and Died	0	0	0
To Ways and Means	10	0	10
To Codes	22	0	22
To Rules	2	0	2
To Judiciary	0	0	0
Passed Assembly	13	0	13
Chaptered	9		9
Vetoed	1		1
Total	66	0	66
Bills Having Committee Reference Changed			
To Labor	1		1
Total	1		1
Senate Bills Substituted or Recalled			
<i>Substituted</i>		2	2
<i>Recalled</i>		0	0
<i>Total</i>		2	2
Bills Defeated in Committee	0	0	0
Bills Never Reported, Held in Committee	35	0	35
Bills Never Reported, Died in Committee	146	21	166
Bills Having Enacting Clauses Stricken	11	0	11
Motions Discharge Lost	0	0	0
Total Bills in Committee	236	23	260
Total Number of Committee Meetings Held	9		

APPENDIX B

COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE AND INDUSTRY

2014 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.128-B (Cusick)	S.2471-B (Lanza)	Referred to Ways and Means	Enacts the New York State Green Economic Development Zones Act
A.404-A (Magnarelli)	S.2784-A (Parker)	Referred to Ways and Means	Creates the Technology Commercialization Partnership Program
A.448-A (Magnarelli)	No same as	Held for Consideration in Ways and Means	Establishes the Empire Revolving Bridge Loan Fund
A.710 (Rosenthal)	No same as	Referred to Codes	Eliminates the use of certain chemicals in nail products
A.904 (Weprin)	No same as	Advanced to 3 rd Reading	Authorizes a class action law suit in anti-trust actions
A.1041-A (Jaffee)	S.3961-A (Martins)	Ordered to 3 rd Reading	Prohibits the selling of electrical cords with a fraudulent Underwriters' Laboratory seal
A.1283 (Rodriguez)	No same as	Referred to Codes	Enacts the Computer Spyware Protection Act
A.1514 (Rodriguez)	No same as	Referred to Ways and Means	Establishes the Second Avenue Subway Construction Economic Development Grant Program
A.1534 (Cymbowitz)	No same as	Referred to Rules	Notifies community board of any application for liquor store license in the City of New York
A.1577 (Lentol)	No same as	Advanced to 3 rd Reading	Requires bright and visible posting of new applications for liquor licenses or applications for special licenses
A.1957 (Lentol)	No same as	Passed Assembly	Extends the notification period for a State Liquor Authority hearing on 500 foot exemptions from 15 days to 30 days
A.1958 (Lentol)	S.4943 (O'Brien)	Passed Assembly	Notifies a community about potential exemptions of the 500 feet within three or more existing premises law

A.2026-A (Schimminger)	S.1695-A (Ranzenhofer)	Referred to Codes	Authorizes courts to suspend a driver's license where the holder fails to appear before the court or complete court mandated courses
A.2027 (Schimminger)	S.6290 (Zeldin)	Referred to Codes	Prohibits itinerant vendors from selling baby food, nonprescription drugs, cosmetics, and batteries
A.2064-A (Kavanagh)	S.205-A (Squadron)	Ordered to 3 rd Reading	Makes consistent the factors considered by the State Liquor Authority when determining the effects of granting an on premise liquor license
A.2290 (Thiele)	S.2124 (Lavalle)	Passed Assembly	Relates to zone pricing of gasoline
A.2593 (Rozić)	S.6898 (Avella)	Advanced to 3 rd Reading	Requires applicants for all-night liquor licenses to notify local community boards
A.2773 (Wright)	No same as	Passed Assembly	Requires businesses that have received funding through the JOBS Now Program pay back funding if they leave the State within five years of receiving funding
A.2806-A (Wright)	No same as	Referred to Codes	Requires an individual to attest by signature that they are the true owner of the property being sold
A.2894-A (Ortiz)	S.4491-A (Griffo)	Passed Assembly	Allows not-for-profit and veteran organizations 30 days to reconcile a bill for alcoholic beverages
A.3389 (Glick)	No same as	Ordered to 3 rd Reading	Notifies community boards upon application for renewal of licenses and creates a uniform comment form
A.3621 (Pretlow)	No same as	Referred to Codes	Prohibits the sale of any badge, shield, identification card or other insignia of any police department or law enforcement agency
A.3715 (Pretlow)	No same as	Referred to Codes	Requires oil companies to clean up any spillage occurring during oil delivery
A.3735 (Benedetto)	S.2227 (Grisanti)	Ordered to 3 rd Reading	Permits sale of alcoholic beverages to begin at eleven a.m. on Sundays
A.4738 (Schimminger)	S.1530 Flanagan	Referred to Ways and Means	Requires State economic development agencies to provide preferences to small businesses and entrepreneurs
A.4884 (Ortiz)	No same as	Referred to Codes	Increases the penalty for the fraudulent sale of articles sold for patriotic purposes

A.5317 (Moya)	S.4300 (Addabbo)	Advanced to 3 rd Reading	Allows a municipality or community board to express an opinion before a license is granted to sell liquor at retail for off-premises consumption
A.5356 (Gottfried)	S.3075 (Hoylman)	Advanced to 3 rd Reading	Allows the State Liquor Authority to impose certain terms and conditions on a license for bars and restaurants
A.6073 (Glick)	S.3077 (Hoylman)	Passed Assembly	Requires the State Liquor Authority to make an establishment's conditions available on its website
A.6417-B (Rosenthal)	S.5237-A (Robach)	Passed Assembly	Provides STEM grants for women and minorities to pursue careers in technology
A.6538-A (Schimminger)	No same as	Referred to Rules	Requires private investigators to hold licenses
A.6591 (Schimminger)	S.3616 Marcellino	Referred to Rules	Removes the street level entrance requirement for licenses for selling alcohol for consumption off the premises
A.6997 (Cook)	S.3144-A (Krueger)	Referred to Ways and Means	Establishes a kitchen incubator program
A.7011 (Thiele)	S.7434 (Lavalle)	Advanced to 3 rd Reading	Prohibits a producer or refiner from selling, transferring, or assigning interest in a retail outlet leased to a motor fuel dealer prior to offering the right of first refusal to the dealer
A.7161 (Rosenthal)	S.5172 (Gallivan)	Passed Assembly	Establishes regional technology development centers
A.7618-B (Steck)	S.5529-B (Zeldin)	Passed Legislature	Amends licensing and permit restrictions to allow a police officer to also serve as an officer in a volunteer firefighter organization
A.7673 (Stirpe)	S.5700 (Griffo)	Veto Memo 492	Provides for grants for training in advanced manufacturing to grow a competitive workforce
A.8286-A (Pretlow)	No same as	Passed Assembly	Provides that state cosmetology curriculums and examinations incorporates training for a diversity of hair textures
A.8677 (Rosenthal)	S.2193-A (Young)	Passed Assembly	Establishes the Urban and Regional Farmers' Markets Facilities Construction Program
A.8679 (Magee)	S.2321-A (Klein)	Passed Legislature	Provides that state policy will be to promote economic development in the beer, wine, and liquor industries

A.9348-A (Titone)	No same as	Passed Assembly	Requires that human trafficking recognition training be provided to all employees of gaming operations
A.9453 (Lupardo)	S.6839 (Robach)	Referred to Codes	Prohibits the sale of railroad scrap material
A.9684-B (Peoples-Stokes)	S.7312-B (Maziarz)	Ordered to 3 rd Reading	Authorizes the sharing of gross revenues for the sale of alcohol at stadiums or arenas

APPENDIX C

COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE AND INDUSTRY

2014 Chapters

Assembly Bill #	Senate Bill #	Chapter	Description
A.8277 (Lentol)	S.6653 (Dilan)	Chapter 100 of the Laws of 2014	Provides an exemption to the 200 foot rule for 161 Grand Street
A.8579 (Magee)	S.6376 (Seward)	Chapter 301 of the Laws of 2014	Allows Cooperstown Vodka to apply for a farm distillery license
A.9424 (Schimminger)	S.6974 (Marcellino)	Chapter 337 of the Laws of 2014	Extends provisions of law that allow temporary retail permits to be issued by the State Liquor Authority
A.9846 (Barrett)	S.7621 (Gipson)	Chapter 200 of the Laws of 2014	Allows for the Culinary Institute of America to apply for a restaurant- brewers license
A.9864-A (Magnarelli)	S.7669-A (DeFrancisco)	Chapter 282 of the Laws of 2014	Provides an exemption for a Syracuse location
A.10122 (Schimminger)	S.7813-A (Marcellino)	Chapter 431 of the Laws of 2014	Increases the production caps and provides tasting privileges for manufacturers
A.10094 (Silver)	S.7837 (Squadron)	Chapter 457 of the Laws of 2014	Grants an exemption from the 200 foot rule for a certain establishment