

# 2018 Report of the New York State Senate Standing Committee on Commerce, Economic Development and Small Business



Senator Phil Boyle, Chairman



January 2018

Honorable John Flanagan  
Senate Majority Leader  
New York State Senate  
Room 330, State Capitol  
Albany, NY 12247

Dear Senator Flanagan,

I am pleased to submit to you the 2018 Annual Report for the New York State Senate Standing Committee on Commerce, Economic Development and Small Business. It was a pleasure and an honor to serve as Chairman of this committee, which oversees and develops legislation to assist business owners, generate job growth and foster economic development.

This past legislative session, the Committee held five meetings and reviewed 32 bills. Of the bills originating from this committee, 24 bills passed the Senate only, Governor Cuomo vetoed one bill and signed three bills into law.

The Committee held six joint public hearings with the Senate Standing Committee on Labor to examine the Minority and Women-Owned Business Enterprises program, and consider potential legislative solutions to create a more effective and efficient program to enhance New York's business climate.

The Committee also held a joint hearing with the Senate Administrative Regulations Review Commission on the New York State Department of Labor's Proposed Rule on Employee Scheduling and Call-In Pay.

Thank you for the opportunity to serve as Chairman of the New York State Senate Standing Committee on Commerce, Economic Development and Small Business. I would also like to extend a thank you to the other members of the committee, particularly Ranking Minority Member, Senator Jesse Hamilton.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Boyle". The signature is fluid and cursive, with the first name "Phil" and last name "Boyle" clearly distinguishable.

Phil Boyle  
Member of the Senate  
4<sup>th</sup> Senate District

**New York State Senate**  
**Standing Committee on**  
**Commerce, Economic Development, and**  
**Small Business**

Senator Phil Boyle, Chairman

Senator Jessie Hamilton, Ranking Member

Committee Members

Senator Jamaal Bailey

Senator Timothy Kennedy

Senator Simcha Felder

Senator Roxanne J. Persaud

Senator Rich Funke

Senator Joseph E. Robach

Senator Patrick Gallivan

Senator James Sanders Jr.

Senator Joseph Griffo

Committee Staff

Jonathan Federman, Majority Counsel & Program

Deanna Schneider, Committee Clerk

814 Legislative Office Building  
Albany, NY 12247  
518-455-3411

**Tuesday, January 9, 2018, at 9:30AM, Room 813**  
**Legislative Office Building**

**S.244 ORTT/A.341 GUNTHER**

Provides that rules that require changes to compliance or billing standards that could result in eventual withholdings or takebacks due to Medicaid auditing and/or self-disclosure obligations shall become effective no sooner than ninety days from the publication of adoption of the rules.

*Reported to first reading of calendar*

**S.622 BOYLE/A.6175 SCHIMMINGER**

Authorizes the empire state development corporation to develop a public awareness campaign promoting businesses located in New York state; requires the creation of the Buy New York Online Networking Directory to connect purchasers with businesses located in New York.

*Reported to first reading of calendar*

**S.1646 CARLUCCI/A.3660-A LAVINE**

Relates to electronic permit applications and electronic recordkeeping.

*Reported and Committed to Finance*

**S.2138 SERINO/A.3486 SCHIMMINGER**

Requires the department of economic development, job development authority, and urban development corporation to provide preferences to small businesses and entrepreneurs in the administration of their economic development assistance programs; requires annual reports thereon.

*Reported to first reading of calendar*

**S.3751 MURPHY/NO SAME AS**

Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities.

*Reported to first reading of calendar*

**S.5912-B JACOBS/A.8470-A SCHIMMINGER**

Relates to agencies adopting emergency rules.

*Reported to first reading of calendar*

**S.6276-A FUNKE/A.8479 ZEBROWSKI**

Relates to allowing bed and breakfasts to sell cider, liquor, beer and wine on the licensed premises.

*Reported to first reading of calendar*

**Tuesday, February 6, 2018, at 10:30AM, Room 813  
Legislative Office Building**

**S.1030 BONACIC/A.6779 MILLER B**

Relates to a license to sell liquor at retail for consumption on certain premises.

*Reported to first reading of calendar*

**S.1443 FUNKE/A.4230 MAGEE**

Permits the transport or delivery of wine pursuant to a farm winery license in a vehicle owned by an employee of the licensee.

*Reported to first reading of calendar*

**S.2456-A HAMILTON/A.4351-A CYMBROWITZ**

Requires notice to the appropriate community board of any application for a liquor store license in a city having a population of one million or more not less than 30 days before submission of such application.

*Reported to first reading of calendar*

**S.5401 LARKIN/A.718 GUNTHER**

Relates to the issuance of a winery and cidery license for a certain premises in Orange County in order to allow the licensee to conduct tastings of, and sell cider for consumption so long as the licensee keeps food available for sale to its customers on the premises.

*Reported to first reading of calendar*

**S.6966 VALESKY/A.8895 BARRETT**

Expands the items which may be sold by a licensed farm cidery and the licensees to whom a farm cidery may sell its cider for resale.

*Reported to first reading of calendar*

**Tuesday, March 13, 2018, at 10:30AM, Room 813**  
**Legislative Office Building**

**S.1237-A VALESKY/A.6167-A SCHIMMINGER**

Authorizes state agencies to publish and transmit certain rule making notices by electronic means; provides for the provision of the state register by electronic means; authorizes the legislative administrative regulations review commission to accept data transmitted by electronic means.

*Reported to first reading of calendar*

**S.5330 MURPHY /A.5991 PAULIN**

Relates to reciprocal wine shipping privileges.

*Reported and Committed to Finance*

**S.6706 AKSHAR /NO SAME AS**

Relates to each agency designating a small business liaison.

*Reported to first reading of calendar*

**S.4768-A BONACIC/A.7594-A GUNTHER**

Relates to adding koji based distilled spirits to the license to sell wine at retail for consumption on the premises.

*Reported to first reading of calendar*

**S.5791 JACOBS/NO SAME AS**

Relates to petitions for alternate methods of implementing regulatory mandates.

*Reported to first reading of calendar*

**Tuesday, May 8, 2017, at 10:30AM, Room 813**  
**Legislative Office Building**

**S.327-A MURPHY/NO SAME AS**

Requires state agencies to review all rules adopted before 1997 over a certain period of time.

*Reported to first reading of calendar*

**S.1753 ORTT/A.6916 HAWLEY**

Enacts the "red tape reduction act".

*Reported to first reading of calendar*

**S.7943 LITTLE/A.9851 WOERNER**

Relates to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church.

*Reported to first reading of calendar*

**S.823 FUNKE/NO SAME AS**

Relates to creating a community solutions matching grant program.

*Reported and Committed to Finance*

**S.2649 CARLUCCI/NO SAME AS**

Authorizes a group of businesses that are regulated by a state agency or a representative of such businesses to petition such agency for alternate rules.

*Reported to first reading of calendar*

**S.4459-A TEDISCO/NO SAME AS**

Requires the prior approval of the appropriate legislative committees required of agency rules and regulations.

*Reported to first reading of calendar*

**S.7543 LAVALLE/A.9543 THIELE**

Makes provisions relating to assisting small businesses.

*Reported and Committed to Finance*

**Thursday, June 7, 2018, at 9:30AM, Room 813  
Legislative Office Building**

**S.5063 GOLDEN/A.432 ROSENTHAL L**

Creates the lymphedema and lymphatic diseases research grants program; provides such grants, not to exceed \$50,000, would be awarded on a competitive basis to biomedical research institutions conducting direct research related to lymphedema and lymphatic disease.

*Reported and Committed to Rules*



**S.5150-A MURPHY/A.4945-A SCHIMMINGER**

Amends license fees to sell liquor at retail for on premises consumption outside the city of New York to standardize such fees.

*Reported and Committed to Rules*

**S.5720 JACOBS/A.7124 SIMOTAS**

Relates to the provision of regulatory information to small businesses.

*Reported and Committed to Rules*

**S.5792 JACOBS/A.6459 ZEBROWSKI**

Relates to public petitions for rule making.

*Reported and Committed to Rules*

**S.5878 RAZENHOFFER/NO SAME AS**

Relates to temporary permits to sell beer and wine not to be consumed on premises; permits effective for periods not to exceed four hours per day on not more than one day each week for not more than twenty weeks per year to any holder of a license to sell liquor at retail for consumption on the premises.

*Reported and Committed to Rules*

**S.8549 BOYLE/A.1801 MORELLE**

Relates to the New York state biomedical and biotechnological translational research and entrepreneurship initiative.

*Reported and Committed to Rules*

**S.8551 BOYLE/A.4124 THIELE**

Creates the micro business outreach center assistance program and micro business outreach center.

*Reported and Committed to Rules*

**S.8652 BONACIC/A.10379-A GUNTHER**

Relates to class A-1 distiller's licenses.

*Reported and Committed to Rules*

**Commerce, Economic Development and Small Business Bills  
Advanced to the Committee of Secondary Reference:  
Finance**

**S.1646 CARLUCCI/A.3660-A LAVINE**

Relates to electronic permit applications and electronic recordkeeping.

**S.5330 MURPHY /A.5991 PAULIN**

Relates to reciprocal wine shipping privileges.

**S.7543 LAVALLE/A.9543 THIELE**

Makes provisions relating to assisting small businesses.

**Commerce, Economic Development and Small Business Bills  
Passed by the Senate Only**

**S.244 ORTT/A.341 GUNTHER**

Provides that rules that require changes to compliance or billing standards that could result in eventual withholdings or takebacks due to Medicaid auditing and/or self-disclosure obligations shall become effective no sooner than ninety days from the publication of adoption of the rules.

**S.922-B CROCI/A.5405-A ABINANTI**

Directs the governor to establish 10 regional economic development councils to provide long-term strategic planning for economic growth for the regions of the state.

**S.1030-A BONACIC/A.6779-A MILLER B**

Relates to a license to sell liquor at retail for consumption on certain premises.

**S.1237-A VALESKY/A.6167-A SCHIMMINGER**

Authorizes state agencies to publish and transmit certain rule making notices by electronic means; provides for the provision of the state register by electronic means; authorizes the legislative administrative regulations review commission to accept data transmitted by electronic means.

**S.1443 FUNKE/A.4230 MAGEE**

Permits the transport or delivery of wine pursuant to a farm winery license in a vehicle owned by an employee of the licensee.

**S.2133 GALLIVAN/A.5342 DIPIETRO**

Establishes a task force for the review of the state administrative procedure act.

**S.2138 SERINO/A.3486 SCHIMMINGER**

Requires the department of economic development, job development authority, and urban development corporation to provide preferences to small businesses and entrepreneurs in the administration of their economic development assistance programs; requires annual reports thereon.

**S.2397 GIANARIS/A.9737 ORTIZ**

Authorizes the use of innovative techniques to enhance public participation in the rule making process.

**S.2999-A LAVALLE/A.2348-A THIELE**

Relates to financial assistance to small businesses for the purpose of pollution prevention, control and compliance.

**S.3270-A PARKER/A.8537 BLAKE**

Requires the commissioner of economic development to publicize certain information related to programs for small business enterprises and minority and women-owned business enterprises.

**S.3392-A GALLIVAN/A.6105-A KOLB**

Establishes the GrowNY pilot program, an economic gardening pilot program within the department of economic development.

**S.3751-A MURPHY/NO SAME AS**

Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities.

**S.4590-A JACOBS/A.5777-A SIMOTAS**

Establishes procedures for negotiated rule making.

**S.5373 VALESKY/NO SAME AS**

Relates to distiller licenses.

**S.5791 JACOBS/NO SAME AS**

Relates to petitions for alternate methods of implementing regulatory mandates.

**S.5912-C JACOBS/A.8470-A SCHIMMINGER**

Relates to agencies adopting emergency rules.

**S.5985-A BOYLE/A.7427-A SCHIMMINGER**

Relates to reporting requirements for the START-UP NY program.

**S.6276-A FUNKE/A.8479 ZEBROWSKI**

Relates to allowing bed and breakfasts to sell cider, liquor, beer and wine on the licensed premises.

**S.6706 AKSHAR /NO SAME AS**

Relates to each agency designating a small business liaison.

**S.6966 VALESKY/A.8895 BARRETT**

Expands the items which may be sold by a licensed farm cidery and the licensees to whom a farm cidery may sell its cider for resale.

**Commerce, Economic Development and Small Business Bills  
Vetoed**

**S.6892 KENNEDY/A.3767 QUART**

Establishes the microenterprise development act to assist very small businesses and low-income business people.

*Veto Memo 276*

## **Commerce, Economic Development and Small Business Bills Signed into Law**

### **S.3804 BAILEY/A.2805 THIELE**

Relates to entrepreneurship assistance centers; repealer.

*Chapter 398*

### **S.7608 MURPHY/A.9052 SCHIMMINGER**

Extends the effectiveness of provisions of law relating to temporary retail permits issued by the state liquor authority.

*Chapter 65*

### **S.7943 LITTLE/A.9581 WOERNER**

Relates to an exemption for certain property from the prohibition of alcohol sales within a certain distance from a church.

*Chapter 240*