



2021 ANNUAL  
REPORT

# NEW YORK STATE SENATE STANDING COMMITTEE ON COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS



**SENATOR**  
**ANNA M. KAPLAN**  
CHAIR



**ANNA M. KAPLAN  
NYS SENATOR, 7<sup>TH</sup> DISTRICT**

**CHAIR**  
COMMERCE, ECONOMIC DEVELOPMENT  
AND SMALL BUSINESS COMMITTEE

**COMMITTEES:**  
ALCOHOLISM AND SUBSTANCE ABUSE  
ENVIRONMENTAL CONSERVATION  
JUDICIARY  
PROCUREMENT AND CONTRACTS  
TRANSPORTATION  
WOMEN'S ISSUES



**THE SENATE  
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December 2021

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate  
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Commerce, Economic Development and Small Business for the 2021 Legislative Session. As Chair, I am honored to lead such a critically important committee and am thankful for the opportunity to assist small business and support economic development in New York.

During the 2021 session, this committee met six times and reported twenty-nine bills. This Committee also continued to be active by co-hosting a Public Hearing to examine potentially unfair and deceptive practices occurring in New York State's primary and secondary ticket marketplaces for live events in order to identify any legislative and policy reforms.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the Committee's operations.

Sincerely,

A handwritten signature in blue ink that reads "Anna M. Kaplan". The signature is written in a cursive style with a horizontal line underlining the name.

New York State Senator  
7<sup>th</sup> Senate District

**2021 LEGISLATIVE SESSION REPORT**

**NEW YORK STATE SENATE  
STANDING COMMITTEE ON Commerce, Economic Development, and Small Business**

**Senator Anna M. Kaplan, Chairperson**

Committee Members

Senator Michelle Hinchey Senator Roxanne J. Persaud Senator Jessica Ramos Senator Sean M. Ryan Senator James Sanders Jr.	Senator Mike Martucci Senator Pamela A. Helming Senator James Tedisco
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Committee Staff

Rebecca A. Sheehan, Counsel  
Joseph E. Erdman, Committee Director and Clerk

## **COMMITTEE JURISDICTION AND OVERVIEW**

The New York State Senate Standing Committee on Commerce, Economic Development, and Small Business has legislative oversight responsibilities for issues concerning small and large businesses arising under the Economic Development Law and the State Administrative Procedures Act. The Committee also handles issues arising under specific provisions of five other laws: Alcoholic Beverage Control Law provisions relating to beer and cider as well as liquor licensing and fees; Banking Law provisions concerning the New York business development corporation and small business investment companies; an Executive Law provisions providing for the Office of Business Permits; Public Authorities Law provisions pertaining to NY Job Development Authority, Long Island Job Development Authority, and Public Health Law's NYS Small Business Health Insurance Partnership Program

During the 2021 Legislative Session, seventy-three bills were referred to the Committee for its review. Of these bills, twenty-nine were reported from the Committee. Eighteen were passed by the Senate, and ten passed in both houses, to date five of these bills have been chaptered to date. This work was conducted through a series of six committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

In addition to its regular meetings, the Committee held one Public Hearing on examining potentially unfair and deceptive practices occurring in New York State's primary and secondary ticket marketplaces for live events in order to identify any legislative and policy reforms.

## COMMITTEE HIGHLIGHTS

The following key bills were acted on by the Committee in 2021:

- **S. 25A- KAPLAN-** Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, and the Commission on Independent Colleges and Universities to conduct a study on the economic impact of the establishment of kitchen incubators.
- **S. 28- KAPLAN, HELMING, HINCHEY, JORDAN, MARTUCCI, RATH, STEC, TEDISCO-** Requires those state agencies that regulate small businesses to maintain a section on their websites where small businesses can get easy access to the information they need, provide feedback to the agency and seek assistance in complying with regulations.
- **S. 30- KAPLAN, BIAGGI, HINCHEY, JORDAN, MANNION, MARTUCCI, MATTERA, MAY-** Authorizes the Empire State Development Corporation to develop a public awareness campaign promoting personal protective clothing and equipment manufacturing businesses located in New York state.
- **S. 33- KAPLAN, AKSHAR, BORRELLO, COONEY, HELMING, HINCHEY, JORDAN, MANNION, MARTUCCI, O'MARA, RATH-** Provides that the Departments of Agriculture and Markets, Environmental Conservation, Labor, Transportation and Taxation and Finance shall designate an existing employee to serve as its liaison to small businesses regulated by such agency; further provides the duties of such small business liaison.
- **S. 155- GIANARIS, ADDABBO, MAY-** Authorizes the use of innovative techniques to enhance public participation in the rule making process; provides that use of such techniques shall in no way otherwise diminish public participation in the rule making process; establishes a three year pilot project for seven major regulatory agencies to hold public hearings upon petition of 125 or more New York residents.
- **S. 3098B- KAPLAN, HINCHEY, MARTUCCI-** Establishes the New York State Advisory Council on Coronavirus Economic Recovery and Workforce Development which will work to promote economic development and collaboration opportunities.
- **S. 3142- GOUNARDES, HELMING, HINCHEY, MARTUCCI-** Provides assistance to small businesses in the procurement and purchase of personal protective equipment for employees; directs bulk purchasing of PPE by the Division for Small Business; provides a tax credit for the cost of such PPE to small business employers.
- **S. 3313- BAILEY, ADDABBO, COMRIE, GOUNARDES, HOYLMAN, PARKER, PERSAUD, RAMOS, SANDERS-** Relates to the establishment of a state university-based center for employee ownership.
- **S. 4652B- MAY, HINCHEY-** Directs the Commissioner of Economic Development, in consultation with the Commissioner of Health, Labor and Office of Children and Family Services to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in New York state.
- **S. 6642A- KAPLAN, GAUGHRAN, HELMING, JORDAN, MARTUCCI-** Requires a report by the division for small business regarding the use of opportunities for cure or ameliorative action afforded to small businesses for first time violations of rules and regulations; extends such provisions for three years.

## TWO HOUSE BILLS

In 2021, ten of the seventy-three bills referred to the Standing Committee on Commerce, Economic Development and Small Business passed both houses of the Legislature. Of these bills, the Governor has signed five and vetoed one. Currently four bills are pending Executive action.

<b>S30</b>	<b>Kaplan</b>	Authorizes the empire state development corporation to develop a public awareness campaign promoting personal protective clothing and equipment manufacturing businesses located in New York state.	<b>Veto 33 of 2021</b>
<b>S33</b>	<b>Kaplan</b>	Provides that the departments of agriculture and markets, environmental conservation, labor, transportation and taxation and finance shall designate an existing employee to serve as its liaison to small businesses regulated by such agency; further provides the duties of such small business liaison.	<b>Chapter 641 of the Laws of 2021</b>
<b>S155</b>	<b>Gianaris</b>	Authorizes the use of innovative techniques to enhance public participation in the rule making process; provides that use of such techniques shall in no way otherwise diminish public participation in the rule making process; establishes a three year pilot project for seven major regulatory agencies to hold public hearings upon petition of 125 or more New York residents.	<b>Currently on the Governor's Desk</b>
<b>S4652B</b>	<b>May</b>	Directs the commissioner of economic development, in consultation with the commissioner of health, labor and OCFS to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in New York state.	<b>Currently on the Governor's Desk</b>
<b>S5695</b>	<b>Martucci</b>	Provides for a license to sell liquor at retail for consumption for the Jeffersonville Baking Company.	<b>Chapter 356 of the Laws of 2021</b>
<b>S6019</b>	<b>Jordan</b>	Relates to an exemption for certain property located in Saratoga county from the prohibition of alcohol sales within a certain distance from a church.	<b>Chapter 262 of the Laws of 2021</b>
<b>S6256A</b>	<b>Hinchey</b>	Relates to temporary manufacturing permits;	<b>Currently on the</b>

		makes permanent certain provisions of law relating to such permits; repeals certain provisions of law relating to temporary permits.	<b>Governor's Desk</b>
<b>S6642</b>	<b>Kaplan</b>	Requires a report by the division for small business regarding the use of opportunities for cure or ameliorative action afforded to small businesses for first time violations of rules and regulations; extends such provisions for three years.	<b>Currently on the Governor's Desk</b>
<b>S6679</b>	<b>May</b>	Extends the reporting deadline of the advisory panel on employee-owned enterprises to 2023.	<b>Chapter 163 of the Laws of 2021</b>
<b>S7060</b>	<b>Ortt</b>	Allows for the issuance of a license to sell liquor at retail for consumption on certain premises within the City of Niagara Falls.	<b>Chapter 268 of the Laws of 2021</b>



**SUMMARY OF COMMITTEE ACTIVITY**

<b>S22</b>	<b>Kaplan</b>	Relates to authorizing small business tax-deferred savings accounts.	<b>Reported from Committee</b>
<b>S25A</b>	<b>Kaplan</b>	Requires the Empire State Development Corporation, in consultation with SUNY, CUNY, and the Commission on Independent Colleges and Universities to conduct a study on the economic impact of the establishment of kitchen incubators	<b>Passed Senate</b>
<b>S28</b>	<b>Kaplan</b>	Relates to the provision of regulatory information to small businesses through the establishment of a small business regulatory nexus by certain agencies.	<b>Passed Senate</b>
<b>S30</b>	<b>Kaplan</b>	Authorizes the empire state development corporation to develop a public awareness campaign promoting personal protective clothing and equipment manufacturing businesses located in New York state.	<b>Veto # 53 of 2021</b>
<b>S33</b>	<b>Kaplan</b>	Provides that the departments of agriculture and markets, environmental conservation, labor, transportation and taxation and finance shall designate an existing employee to serve as its liaison to small businesses regulated by such agency; further provides the duties of such small business liaison.	<b>Chapter 641 of the Laws of 2021</b>
<b>S155</b>	<b>Gianaris</b>	Authorizes the use of innovative techniques to enhance public participation in the rule making process; provides that use of such techniques shall in no way otherwise diminish public participation in the rule making process; establishes a three year pilot project for seven major regulatory agencies to hold public hearings upon petition of 125 or more New York residents.	<b>On the Governor's Desk</b>
<b>S344</b>	<b>Kaplan</b>	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	<b>Passed Senate</b>

		effective no sooner than ninety days from the publication of adoption of the rules.	
<b>S556</b>	<b>May</b>	Relates to direct interstate and intrastate cider shipments; establishes requirements regarding age verification and shipping limits.	<b>Passed Senate</b>
<b>S590</b>	<b>Benjamin</b>	Exempts certain property in the borough of Manhattan from the prohibition of alcohol sales for on-premises consumption within a certain distance from a church.	<b>Passed Senate</b>
<b>S704A</b>	<b>Kaplan</b>	Authorizes the empire state development corporation to develop a public awareness campaign promoting businesses located in New York state with an emphasis on small businesses and the need to shop in downtown local areas; requires the creation of the Buy New York Online Networking Directory to connect purchasers with businesses located in New York.	<b>Passed Senate</b>
<b>S1700</b>	<b>Gallivan</b>	Establishes a task force for the review of the state administrative procedure act to ensure that administrative rulemaking, adjudication and licensing is consistent, uniform, and not unnecessarily burdensome for regulated entities.	<b>Reported from Committee</b>
<b>S3098B</b>	<b>Kaplan</b>	Establishes the New York state advisory council on coronavirus economic recovery and workforce development which will work to promote economic development and collaboration opportunities.	<b>Advanced to Third Reading</b>
<b>S3142</b>	<b>Gounardes</b>	Provides assistance to small businesses in the procurement and purchase of personal protective equipment for employees; directs bulk purchasing of PPE by the division for small business; provides a tax credit for the cost of such PPE to small business employers.	<b>Reported from Committee</b>
<b>S3313</b>	<b>Bailey</b>	Relates to the establishment of a state university-based center for employee ownership.	<b>Reported from Committee</b>
<b>S3471</b>	<b>Kennedy</b>	Extends the excelsior jobs program and certain incentives for medical equipment	<b>Reported from Committee</b>

		projects within such program	
<b>S3618</b>	<b>Ortt</b>	Enacts the "red tape reduction act".	<b>Reported from Committee</b>
<b>S3999A</b>	<b>Kennedy</b>	Makes certain liquor license fees payable in installments; reduces the fee for certain types of licenses.	<b>Reported from Committee</b>
<b>S4652B</b>	<b>May</b>	Directs the commissioner of economic development, in consultation with the commissioner of health, labor and OCFS to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in New York state.	<b>Currently on the Governor's Desk.</b>
<b>S5438</b>	<b>Hinchey</b>	Authorizes tastings at licensed premises by distillers; authorizes the operation of a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises; authorizes sale of any liquor manufactured by the licensee; makes related provisions.	<b>Passed Senate</b>
<b>S5695</b>	<b>Martucci</b>	Provides for a license to sell liquor at retail for consumption for the Jeffersonville Baking Company	<b>Chapter 356 of the Laws of 2021</b>
<b>S5894</b>	<b>Parker</b>	Requires the empire state development corporation to conduct a study on the economic impact of the Labor Day Parade (West Indian Carnival) and submit a report to the governor and the legislature on its findings.	<b>Reported from Committee</b>
<b>S6019</b>	<b>Jordan</b>	Relates to an exemption for certain property located in Saratoga county from the prohibition of alcohol sales within a certain distance from a church.	<b>Chapter 362 of the Laws of 2021</b>
<b>S6072A</b>	<b>Kaplan</b>	Relates to allowing bed and breakfasts to sell cider, liquor, beer and wine on the licensed premises.	<b>Passed Senate</b>
<b>S6256A</b>	<b>Hinchey</b>	Relates to temporary manufacturing permits; makes permanent certain provisions of law relating to such permits; repeals certain provisions of law relating to temporary permits.	<b>Currently on the Governor's Desk</b>
<b>S6397</b>	<b>Kaplan</b>	Requires notices of procurement contract	<b>Reported from</b>

		opportunities required to effectuate the provisions of section sixteen-ff of section one of the New York state urban development corporation act shall be available on the internet for at least five days.	<b>Committee</b>
<b>S6642A</b>	<b>Kaplan</b>	Requires a report by the division for small business regarding the use of opportunities for cure or ameliorative action afforded to small businesses for first time violations of rules and regulations; extends such provisions for three years.	<b>Currently on the Governor's Desk</b>
<b>S6679</b>	<b>May</b>	Extends the reporting deadline of the advisory panel on employee-owned enterprises to 2023.	<b>Chapter 163 of the Laws of 2021</b>
<b>S6927</b>	<b>Serino</b>	Authorizes the issuance of a license to sell liquor at retail for consumption on certain premises in the city of Beacon located within two hundred feet of a building occupied as a church, synagogue or other place of worship.	<b>Passed Senate</b>
<b>S7060</b>	<b>Ortt</b>	Allows for the issuance of a license to sell liquor at retail for consumption on certain premises within the City of Niagara Falls.	<b>Chapter 268 of the Laws of 2021</b>









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