

Key Legislative Changes Affecting Small Businesses – 2010 Legislative Session

Bill Title: An act to amend the public authorities law, in relation to certain funds used by the center for advanced technology.

Chapter: 191

Bill Number: A9810

Sponsor: Gabryszak

Effective Date of Law: July 15, 2010

Summary of the Bill: This bill amends section 3102-b of the public authorities law to add elements to the enabling legislation that allow the centers to operate more efficiently and effectively. The legislation requires the centers to accelerate technology development and commercialization, to facilitate new company formation, to conduct outreach to companies, and to provide evidence of partnerships with entities that aid in the economic development growth of the State; allow the matching requirement to be an overall match and not on a project-by-project basis, and allow matches from small businesses to count as double the actual dollar amount toward the center's overall match requirement; extend the time period for quantifiable economic development impact measures to not less than five years and require that the centers provide a full description of all non-quantifiable measures.

Many procedural requirements for the operation of the centers are carried on a contract-by-contract basis with the State and some of these contract elements hinder the work that the centers can do. This legislation responds to the centers' unified requests for relief from these restrictions, such as the way the match is determined, while maintaining accountability and oversight.

Link to Bill:

http://assembly.state.ny.us/leg/?default_fld=&bn=A09810%09%09&Summary=Y&Actions=Y&Votes=Y

Bill Title: An ACT to amend the public authorities law, in relation to the science and technology law center; and to repeal section 209-q of the executive law, relating to the science and technology law center.

Chapter: 440

Bill Number: A9991

Sponsor: Magnarelli

Effective Date of Law: August 30, 2010

Summary of Bill: This bill repeals section 209-q of executive law and adds new sections 3102-f and 3102-g to public authorities law to recodify the science and technology law center from the executive law to the public authorities law and to establish the technology commercialization clinic. The legislation establishes the technology commercialization clinic administered by the New York state foundation for science, technology and innovation (NYSTAR) and managed by the science and technology law center for the purposes of assisting universities, entrepreneurs and companies in the state in commercializing new products and processes. Entities eligible to operate the clinics will be competitively selected and include business, law and engineering schools and other academic research entities located at colleges and universities in the state. Students supervised by appropriate faculty and university administrators will conduct such activities as engaging in research and analysis of the commercial development of early-stage technologies and providing research and analysis of technical, marketing, intellectual property and legal issues related to commercial development of new technologies.

Link to Bill:

http://assembly.state.ny.us/leg/?default_fld=&bn=A9991%09&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y

Bill Title: An act to amend the public authorities law, in relation to establishing the metropolitan transportation authority small business mentoring program; and providing for the repeal of such provisions upon expiration thereof.

Chapter: 206

Bill Number: S5987B

Sponsor: Sampson

Effective Date of Law: July 15, 2010

Summary of Bill: This bill authorizes the Metropolitan Transportation Authority, and its subsidiaries and affiliates (collectively, the "MTA"), to establish a mentoring program that will provide small businesses with mentoring opportunities by matching them with experienced construction management firm mentors and by providing opportunities to compete for certain designated public work contracts. The program is designed to allow the protege firms to grow their businesses by starting on small construction projects that are within their financial and technical capabilities and to provide them with the training and guidance they need to develop the skills required to handle larger projects, either as contractors or as subcontractors.

The purpose of this mentoring program is to provide small businesses with the mentoring services of experienced construction firms. These mentor firms will: provide business training to the small businesses in the program in the skills necessary to operate a successful construction business and to compete for and to perform a public work contract; provide assistance to the small businesses to assess the outcome if a small business competes for but is not awarded a contract; and provide guidance, advice and assistance to the small businesses in the performance

of the contract. The bill also allows the authority to waive contract public bidding requirements for contracts which have been designated for the small business mentoring program, and it authorizes the authority to waive bonding and insurance requirements which have traditionally been impediments to small businesses.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S5987B>

Bill Title: An act to amend the alcoholic beverage control law, in relation to beer and/or malt beverage tasting permits

Chapter: 292

Bill Number: S6816B

Sponsor: Stachowski

Effective Date of Law: July 30, 2010

Summary of Bill: This bill amends subparagraphs (a) and (b) of paragraph 8 of section 51 of the alcoholic beverage control law to allow all applicants for off premises tasting permits to choose either an annual permit or a three-day permit. The purpose of this bill is to allow all brewers and distributors of beer and malt beverages to qualify for an annual tastings permit in addition to the daily permits available to them.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S6816B>

Bill Title: An act to amend the alcoholic beverage control law, in relation to brewer's licenses.

Chapter: 471

Bill Number: S6970

Sponsor: Stachowski

Effective Date of Law: August 30, 2010

Summary of Bill: This bill amends subdivision seven of section fifty-one of the alcoholic beverage control law to allow for premises including space and equipment to be rented by a licensed tenant brewer and allows for brewers to manufacture produce, blend, package, bottle, purchase, sell and deliver alcoholic beverage beverages. This and other provisions in the bill, such as expanding brewery licenses to allow for the manufacture of alcoholic beverages for export, are intended to promote the ability of breweries to utilize their existing facilities in the state to expand investment and create additional jobs.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S6970>

Bill Title: An act to amend the alcoholic beverage control law, in relation to expanding the types of notification that would satisfy various notification provisions

Chapter: 213

Bill Number: S7149

Sponsor: Stachowski

Effective Date of Law: January 11, 2011

Summary of Bill: This bill expands the types of notice sufficient to satisfy certain statutory notice requirements in the Alcoholic Beverage Control (ABC) Law, thereby enabling the SLA to operate in a more business friendly manner vis-a-vis licensees.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S7149>

Bill Title: An act to amend the public authorities law, in relation to expanding opportunities for women and minority-owned business enterprises and increasing competition and diversity in procurements by the state and its public authorities

Chapter: 174

Bill Number: S8314

Sponsor: Hassell - Thompson

Effective Date of Law: October 13, 2010

Summary of Bill: This bill amends the Public Authorities Law ("PAL") to expand opportunities for minority and women-owned business enterprises ("MWBE") and to rectify past discrimination in contracting as set forth in the disparity study published on April 29, 2010 (the "2010 Disparity Study"). This legislation is one of three bills that seek to address the findings of the disparity study, to remedy the results of past discrimination and to provide MWBEs with a full and fair opportunity to compete for contracting opportunities in New York State. This bill ensures that state public authorities take the steps to address the shortcomings in New York's contracting procedures set forth in the disparity study. Among other provisions, each state public authority will need to establish goals for contracting with certified MWBEs in accordance with the 2010 Disparity Study, designate senior staff to oversee the authority's MWBE program, and provide notice of procurement opportunities to MWBEs.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S8314>

Bill Title: An act to amend the public authorities law, in relation to expanding opportunities for women and minority-owned business enterprises and increasing competition and diversity in procurements by the state and its public authorities.

Chapter: 174

Bill Number: S8313

Sponsor: Hassell Thompson

Effective Date of Law: October 13, 2010

Summary of Bill: This bill amends the Public Authorities Law ("PAL") to expand opportunities for minority and women-owned business enterprises ("MWBE") and to rectify past discrimination in contracting as set forth in the disparity study published on April 29, 2010 (the "2010 Disparity Study"). This legislation is one of three bills that seek to address the findings of the disparity study, to remedy the results of past discrimination and to provide MWBEs with a full and fair opportunity to compete for contracting opportunities in New York State. This bill ensures that state public authorities take steps to address the shortcomings in New York's contracting procedures set forth in the disparity study. Among other provisions, each state public authority will need to establish goals for contracting with certified MWBEs in accordance with the 2010 Disparity Study, designate senior staff to oversee the authority's MWBE program, and provide notice of procurement opportunities to MWBEs. These steps are crucial to ensure that public authorities are included in the broad remedial efforts provided for in this legislative package, and to provide for a comprehensive effort to end discrimination in state contracting.

Link to Bill: <http://open.nysenate.gov/legislation/api/1.0/html/bill/S8313>