



New York State Assembly

Sheldon Silver
Speaker



2013

ANNUAL REPORT

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

Robin L. Schimminger
Chairman





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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

COMMITTEES
Codes
Health
Ways & Means

ROBIN SCHIMMINGER
140th District

December 15, 2013

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 2013 Annual Report of the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry.

During the 2013 Legislative Session, the Committee considered significant legislation impacting State and local economic development and general business practice. New economic development initiatives were enacted including the START-UP NY Program, the Business Incubator and Innovation Hot Spot program, and the new Innovation Venture Capital Fund. The START-UP NY and Hot Spot initiatives will assist businesses with additional operating funding as a result of reduced tax liabilities, while the Venture Fund will provide alternative funding to high technology companies seeking to expand in the State.

The Committee also addressed issues related to the alcoholic beverage industry. The Committee continues to make progress in modernizing the Alcoholic Beverage Control Law. This year's major developments include a new cidery license for craft cider producers and lower distillery fees for the production of small batches of liquor.

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

2013 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
William Boyland, Jr.
Dennis Gabryszak
Donna Lupardo
Addie Russell
Ellen Jaffee
Francisco Moya
Michael A. Simanowitz
Anthony Brindisi
Phillip Goldfeder
Harry Bronson
Al Stirpe
Didi Barrett

Minority

Steven McLaughlin, Ranking Member
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
Kenneth Berlinski, Chief of Staff
Vanessa Komarnicki, Legislative Director
Patrice Mago, Committee Clerk

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I. 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 also is responsible for 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.

Many State agencies, economic development organizations, and other groups and associations work with the Committee 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, universities, chambers of commerce, and Small Business Development Centers.

II. FY 2013-2014 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 2013 highlights relating to economic development initiatives that the Assembly has funded through ESD:

- Regional Economic Development Councils are authorized for a third round of funding in 2013 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 economic development projects, boosts job creation, and capitalizes on existing assets. In addition to priority awards of capital grants and Excelsior Tax Credits, the Councils will participate in the Consolidated Funding Application (CFA) process to endorse regional significant projects that are under consideration for additional State funding through existing programs.
- The START-UP NY Program is a new innovative initiative to retain young talented graduates in New York State through comprehensive economic development collaboration with State schools and universities. Under the Program new businesses will be eligible to operate tax free for 10 years in designated areas in partnership with higher education institutes across the State. The Program will encourage growth for existing New York State businesses, attract new out-of-state businesses, and encourage new start-ups through a partnership with the area's best and brightest students and graduates.
- The Excelsior Jobs Program was implemented several years ago to assist businesses operating in strategic industries and looking to create new jobs in the State. The credits in the Program are provided to cover tax liabilities related to the purchase of real property acquisitions and improvements, research and development activities, wage tax liabilities, and investment tax liabilities only upon the creation of specific industry job targets. This year the Legislature passed amendments to the Excelsior Jobs Program lowering the job targets required to participate in the Program. For example, manufacturers are now required to create 10 jobs as opposed to 25 jobs included under the original initiative. More businesses will be eligible to participate in the Program, spurring further economic development and job creation in the State.

- The New York State Business Incubator and Hot Spot Program was designed to encourage innovation and facilitate research and development into marketable products. The program will provide assistance to start-ups in the form of technical, legal, financial, and other business support services. The Program is competitive and requires Regional Economic Development Councils to develop a regional incubator plan for inclusion. Five winning incubators will be chosen this year and five will be chosen in 2014.
- The “Market NY” Program was established to provide a comprehensive marketing campaign of the State’s renowned tourist attractions in order to more effectively reach out to potential visitors within the State and beyond. The Program is also a showcase for New York state manufactured products, and foods. It is anticipated that the new Program will assist businesses in expanding operations and facilitate increased revenue to the State.
- The Innovation Venture Capital Fund was developed in response to the State’s need for additional early-stage seed funding and to bridge the gap between research and development and commercialization. The fund should help meet some of the State’s goals related to commercializing technologies right here in the State. The Fund will be administered by the Empire State Development Corporation.

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 third round of funding for the Regional Economic Development Councils. The 10 Councils spent all of 2013 implementing innovative and comprehensive Strategic Plans for their respective regions. The Councils were awarded \$200 million in financial support in 2011, \$220 million in 2012 and received \$150 million in capital and \$70 million in Excelsior Tax Credits for 2013 to further implement their updated Strategic Plan. They also played an important role in determining how millions 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 Councils again weighing in on applications in their region.

The Committee focused its efforts this year on initiatives that support emerging industries, enhance access to economic development programs, and promote research and development.

Establishing the Empire Revolving Bridge Loan Fund

A.448 (Magnarelli)

Reported and Referred to Ways and Means

This legislation creates the Empire Revolving Bridge Loan Fund within Empire State Development (ESD) for the purposes of providing financing to eligible construction projects that promote economic development. Upon the creation of at least 300 full-time jobs, eligible projects would receive funding through low interest loans. The Empire Revolving Bridge Loan Fund legislation is intended to encourage economic development activity in distressed areas within the State.

Fostering Technology Commercialization

A.404 (Magnarelli)

Reported and Referred to Ways and Means

This legislation creates the Technology Commercialization Partnership Program at the Division of Science, Technology, and Innovation to replace the current incentive program. The new program would provide grants of \$500,000 to \$1 million to entities such as New York State academic research institutions, Centers for Advanced Technology, and Centers of Excellence in partnership with private industries.

Promoting Farmers Markets and Access to Fresh Food

A.5321 (Gibson)

Passed Assembly

As the demand for locally grown fresh produce has increased, the public's demand for farmers markets has also increased. This legislation seeks to help meet the demand for farmers markets by allowing Empire State Development to issue grants that support the creation of new and urban farmers markets. The grants would assist with construction and start-up of eligible farmers markets.

Advancing Green Economic Development Zones

A.128 (Cusick)

Reported and Referred to Ways and Means

This bill enacts the New York State Green Economic Development Zones Act to offer special incentives and assistance that promote the development of new green businesses and expansion of existing businesses within designated Green Economic Development Zones. The goal of this legislation is to spur economic development growth in areas related to the renewable energy industry.

Providing for Interest When Retainage is used in Construction Projects

A.529 (Cusick)

Reported and Advanced to 3rd Reading

This bill provides for agreed upon retainage between an owner and a contractor to be deposited in a separate interest bearing escrow account with a third party escrow agent.

Studying the State Regulatory System and Reaching Sustainable Development

A.4393 (Kavanagh)

Reported and Referred to Rules

This legislation establishes a Sustainable Development Task Force to study the feasibility of adopting a goal oriented and performance based regulatory system to achieve the goal of sustainable development. The legislation seeks to protect the State's resources through sustainable practices and innovation.

Developing the Cyber Security Industry in the State

A.2295 (Brindisi)

Chapter 16

As the cyber security industry grows, New York has the potential to be a leader in this emerging field. This bill would direct the Mohawk Valley Regional Economic Development Council to coordinate cyber security activities at Griffiss Business and Technology Park. The bill seeks to ensure adequate local participation in the creation of a cyber-security industry in the Rome, NY area.

Encouraging Growth in STEM Occupations

A.6417 (Rosenthal)

Reported and Referred to Ways & Means

This legislation provides grants to science, technology, engineering, and mathematics (STEM) programs that encourage participation of under-represented populations in those industries. The focus is on encouraging more minorities and women to enter STEM fields.

Clarifying License Requirements for Private Investigators

A.6538 (Schimminger)

Reported and Referred to Codes

This legislation assists private investigators by clarifying that they may work as bail enforcement agents. The bill also ensures that anyone acting as a private investigator without a license can be charged with a felony.

Exempting Federal Agents from Certain Requirements

A.6991-A (Gabryszak)

Reported and Referred to Codes

This legislation includes retired Federal Agents and Border Patrol Agents as exempt from the security guard training requirements. Before any such exemption is granted, the legislation requires that such agents meet standards consistent with New York State Law.

Clarifying and Consolidating the Economic Development Law

A.7161 (Rosenthal)

Passed Assembly

This bill codifies the Regional Technology Development Program under the Economic Development Law. The bill seeks to provide more consistency concerning the consolidation of the former New York State Science and Technology Office (NYSTAR) into the Department of Economic Development.

Extending the Economic Development Fund

A.7629 (Schimminger)

Chapter 81

This law extends the Economic Development Fund for an additional year from July 1, 2013 to July 1, 2014. The Fund provides financing to a variety of projects and economic development activities including grants for expansion and rehabilitation of facilities, acquisition of machinery and equipment as well as working capital.

Funding Workforce Training

A.7673 (Stirpe)

Passed Assembly

This bill provides assistance for advanced manufacturing training by allowing educational institutions and individuals to apply for funding from the Empire State Development Corporation. The funding will be provided through the Economic Development Fund.

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 distribution of alcoholic beverages in the State. In 2010, the alcoholic beverage industry supported nearly 100,000 jobs across New York State. This year, the Committee continued its effort aimed at modernizing the law and has specifically sought to reduce outdated and unnecessary restrictions in the ABCL. 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. Since many of the ABCL's provisions have remained unaltered since the end of the Prohibition era, the State has a keen interest in continuing the identification of statutes in conflict with modern alcohol beverage industry standards. The Committee will continue to support legislation that ensures communities have adequate information and notice as they make decisions in regards to the future of alcohol manufacturing businesses and retail establishments in their neighborhoods.

In addition, the Committee passed legislation creating a new Cidery License. The license was established to meet the challenges of a growing demand and the production of hard cider. The new license provides incentives to cider manufacturers that utilize New York State grown apples. The 2013 apple crop exceeded expectations and many growers are seeking additional outlets for their apples. The license will serve a dual purpose of encouraging manufacturing of hard cider right here in the State while assisting our farmers.

Allowing Roadside Farm Markets to Sell Wine

A.1512 (Magee)

Chapter 355

As New York's farm wineries grow, they are constantly searching for new venues to offer their wines. This law authorizes farm wineries to sell wine to roadside farm markets. It creates a new roadside farm market license that allows the sale of wine from up to two manufacturers located within 20 miles of the roadside market.

Providing Additional Information Concerning Applicants to Localities

A.1958 (Lentol)

Passed Assembly

This legislation requires the State Liquor Authority to provide certain information to a municipality or community board concerning an exemption to the 500 foot rule. The 500 foot rule prohibits more than three licensed establishments within 500 feet of one another. The rule was enacted to protect communities from over-saturation through effective community planning.

Reducing Instances of Underage Drinking

A.2530-B (Crespo)

Chapter 257

Prior to changes made by Chapter 257, a minor may receive up to 30 community service hours for the purchase of an alcoholic beverage with a false identification card. This bill increases the community service requirement from up to 30 hours to 60 hours for a second offense and up to 90 hours for each subsequent offense. It is anticipated that the additional community service hours will act a deterrent and reduce instances of underage drinking.

Encouraging Growth and Job Creation from Breweries, Wineries, and Distilleries

A.2745-A (Gabryszak)

Reported and Referred to Ways and Means

Breweries, wineries and distilleries represent a growing industry creating jobs around the State. This legislation provides that the New York State Liquor Authority include as one of its objectives, economic development and tourism. The legislation seeks to assist the State's growing niche markets such as farm breweries and distilleries, as well as encourage growth in more established markets such as wine production and export.

Assisting Veteran Organizations

A.2894-A (Ortiz)

Reported and Passed the Assembly

Archaic Alcoholic Beverage Control Law provisions limit contracting rights between business owners. Pursuant to strict provisions of the ABCL, establishments are required to pay the balance of their bill within a certain pay period depending on their license class. This measure assists veterans organizations and other small not-for-profits with additional time to reconcile their billing and payments with suppliers.

Protecting Communities

A.3869 (Simotas)

Chapter 188

This legislation seeks to provide information to assist communities with redevelopment by requiring applicants to submit accurate information to the State Liquor Authority concerning the type of establishment to be operated.

Assisting Local Businesses

A.4834 (Perry)

Chapter 192

This legislation allows a certain establishment to apply to the State Liquor Authority for a license to sell alcoholic beverages. This legislation is necessary because an exemption is required for certain establishments located within 200 feet of a place of worship.

Authorizing Courts to Suspend a Driver's License

A.2026-A (Schimminger)

Reported and Referred to Codes

This legislation would provide more stringent enforcement laws related to underage drinking and possession of marijuana. Currently, New York Courts are only authorized to issue an appearance ticket, followed by a fine, community service requirement, or completion of an alcohol awareness program. This legislation would authorize the suspension of the minor's license upon the refusal to appear in court or failure to complete the court's requirements.

Allowing Arenas and Stadiums to Serve Alcoholic Beverages Earlier in the Day

A.3735 (Benedetto)

Passed Assembly

This bill changes the current restriction on a stadium, arena, or place of entertainment in regards to serving alcoholic beverages on a Sunday. Venues with a seating capacity exceeding 18,000 would only be restricted from serving alcoholic beverages from 4:00 A.M. to 11:00 A.M. on a Sunday. This update to the Alcoholic Beverage Control Law would give attendees of a major sporting event on a Sunday afternoon the option of purchasing an alcoholic beverage beginning at 11:00 A.M.

Assisting Local Businesses

A.4851 (Lentol)

Chapter 110

This legislation allows an establishment to apply to the State Liquor Authority for a license to sell alcoholic beverages. This legislation is necessary because an exemption is required by certain establishments located within 200 feet of a place of worship or school.

Eliminating a Prohibition Era Requirement from the Alcoholic Beverage Control Law

A.6591 (Schimminger)

Reported and Referred to Rules

This bill eliminates the requirement that a premise which sells alcohol for off-premise consumption must have a street level entrance. This requirement dates back to the original passage of the Alcoholic Beverage Control Law shortly after the Prohibition Era ended. The restriction's original intent was to curb illegal activity related to the Prohibition Era and the subsequent period of legalization and implementation.

Assisting in Community Development

A.6073 (Glick)

Passed the Assembly

In an effort to assist local communities with neighborhood planning and development, this legislation will require the State Liquor Authority to make available on its public license query website information pertaining to any conditions it imposes on a licensed establishment.

Expediting Application Approval by the State Liquor Authority

A.7121 (Schimminger)

Chapter 122

This legislation will assist the State Liquor Authority by authorizing temporary permits for the continued operation of a retail establishment with a liquor license. The issuance of temporary retail permits will continue to eliminate any existing or future application backlog at the State Liquor Authority.

Providing Protections to Communities

A.7816-A (Crespo)

Reported and Referred to Rules

This bill provides that the State Liquor Authority may revoke a license upon a finding that the licensee has deliberately misled the Authority on the nature of the business at the licensed establishment. The bill seeks to assist localities with ensuring that adequate community protections are enforced.

Establishing a Strategic Plan

A.7817 (Crespo)

Passed the Legislature

This legislation directs the State Liquor Authority to coordinate with law enforcement agencies in New York City for the transfer of information related to criminal activities at a licensed establishment.

Assisting Local Businesses

A.7965-B (Stec)

Chapter 241

This bill provides that the State Liquor Authority may issue a license for the manufacture of liquor at a certain establishment.

Streamlining the Law for Businesses

A.8046 (Schimminger)

Chapter 354

This law clarifies and provides uniformity of requirements for brand label registration for manufacturers. The law seeks to simplify regulations for businesses registering with the State Liquor Authority.

Establishing a Cidery License Law

A.8047 (Schimminger)

Chapter 384

This bill creates the Cidery License under the Alcoholic Beverage Control Law. The new license will meet the needs of the growing market of hard cider production and demand in the State. The bill also encourages the use of New York State grown apples by providing special incentives for manufacturers that utilize New York State grown apples.

Assisting Small Wholesalers

A.1075 (Heastie)

Chapter 2

This bill assists a limited number of wholesalers by expanding the products that may be sold on-premises. The bill encourages longevity and expansion of small wholesalers in the State.

V. PROTECTING CONSUMERS WHILE ASSISTING BUSINESSES

The Committee continues 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.

Prohibiting the Sale of Fraudulently Labeled Electrical Cords

A.1041 (Jaffee)

Passed Assembly

This legislation requires merchants to sell only properly sourced electrical cords and raises 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.

Reducing the Use of Abrasive Chemicals in Nail Polish

A.710 (Rosenthal)

Reported and Referred to Codes

This bill would prohibit dibutyl phthalates, toluene, and formaldehyde chemicals in the manufacture, distribution or sale of nail polish or nail hardener. Exposure to these chemicals in high dosages is known to affect the nervous system and it is currently being phased out of some nail polishes but not all of them. This legislation would also protect workers in nail salons who could be exposed to these chemicals.

Increasing the Penalties for Fraudulent Sales of Patriotic Items

A.4884 (Ortiz)

Reported and Referred to Codes

This legislation would increase the penalty for the fraudulent sale of poppies, forget-me-nots, daisies, flags, and other articles sold for patriotic purposes. The legislation seeks to protect organizations raising funds to benefit veteran populations.

Restricting the Sale of Potentially Harmful Products

A.2027 (Schimminger)

Reported and Referred to Codes

This legislation strengthens laws restricting the sale of certain food items and other products by itinerant vendors. The legislation seeks to ensure that products which have the most potentially damaging impact, such as baby food, prescription drugs, and cosmetics be sold by legitimate manufacturers and retailers to promote increased safety and less risk for consumers.

Providing Protections to Consumers

A.4612-B (Sepulveda)

Reported and Referred to Codes

This bill provides greater protections to consumers by requiring retail outlet dealers to post prices differences clearly on gas pumps. Any signage clearly visible to a driver will also require the posting of price differentials. The new posting requirements will provide awareness to consumers of the exact price paid regardless of the sales transaction.

VI. 2013 PUBLIC HEARING/ROUNDTABLES

Budget Oversight

On December 12, 2013, in conjunction with the Assembly Standing Committee on Small Business, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a joint public hearing on the State Fiscal Year 2012-2013 budget and program initiatives. The hearing focused on the overall impact of the budget on economic development programs, small business initiatives, and the operation of the State Liquor Authority.

The Empire State Development Corporation CEO and President, Ken Adams discussed the newly implemented START-UP NY Program and the impressive response from the business community and higher education institutions. President Adams also discussed among other things, the increase in Consolidated Funding Application submissions, more seed funding opportunities through the new Innovation Venture Capital Fund, and the major tourism campaign underway in the State.

In addition, the State Liquor Authority Chairman Dennis Rosen discussed the Authority's progress in streamlining the license application process, explained the implication of new legislation at the Authority, and discussed new enforcement controls put in place over the past year.

Export Trade in New York State

The Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry in conjunction with the Subcommittee on Export Trade held four roundtables in October. The participants discussed ways to attract and assist businesses in export trade activities. The roundtables were held in Syracuse, Buffalo, Ogdensburg, and Newburgh. Assembly members and industry leaders met to determine a strategic approach to taking advantage of the export trade opportunities in the State.

Opportunities illustrated by the roundtable include export trade expansion with Canada, and further development of export trade relations with the burgeoning Chinese market. In addition, the roundtable discussed ways to improve transportation of goods and services both in and out of the State.

Craft Distilleries

On September 30th, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry cosponsored a roundtable with the Rural Resources Task Force on craft distilleries in New York State. The roundtable discussed issues related to the manufacture of spirits in the State, including, emerging markets, needs of the existing distillers, and State resources available for successful expansion of the distillery market.

Participants of the roundtable discussed the State's resources and its unique position to expand distillery operations and increase market share. For example, the State's ample apple production is spurring entrepreneurial opportunities for spirits made with apples and other fruit. The roundtable also discussed tourism opportunities for distilleries, farms, and farmers markets, and legislation enhancing those opportunities.

VII. OUTLOOK FOR 2014

The 2013 session included significant accomplishments, including a third round of the Regional Economic Development Councils funding process, enactment of the new START-UP NY Program, and improvements to the State's most significant economic development incentive program, the Excelsior Jobs Program. During the 2014 Legislative Session, the Committee on Economic Development, Job Creation, Commerce and Industry will continue to address the economic needs of the State by remaining committed to enacting legislation which helps to retain and create jobs, with a persistent focus on expanding existing businesses and promoting emerging industries in New York.

The Committee will continue its focus on the review of the Alcoholic Beverage Control Law and continue to consider the recommendations offered by the Law Revision Commission in order to modernize New York's ABCL. The creation of the Cidery License shows the Committee's ability to identify and report innovative legislation that will create new businesses across the State. Retaining a productive balance between the needs of the industry and consumers also remains a top priority for the Committee. The State Liquor Authority, with the Committee's help, has moved in the direction to create a diverse alcoholic beverage market in the State that supports the needs of consumers, retailers, manufacturers, and wholesalers.

Appendix A
2013 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	6	0	6
To Floor; Recommitted and Died	0	0	0
To Ways and Means	11	0	11
To Codes	24	0	24
To Rules	3	0	3
To Judiciary	0	0	0
Passed Assembly	0	0	0
Chaptered			
Vetoed			
Total	44	0	44

Bills Having Committee Reference Changed

To Environmental Conservation	1		1
To Education	1		1
Total	2		2

Senate Bills Substituted or Recalled

Substituted		1	1
Recalled		1	1
Total		2	2

Bills Defeated in Committee		0	0
Bills Never Reported, Held in Committee	0	0	0
Bills Never Reported, Died in Committee	81	16	96
Bills Having Enacting Clauses Stricken	4	0	4
Motions Discharge Lost	0	0	0

Total Bills in Committee	131	17	148
Total Number of Committee Meetings Held	7		

APPENDIX B

**COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE AND
INDUSTRY**

2013 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.128 (Cusick)	S.2471 (Lanza)	Referred to Ways and Means	Creates the New York State Green Economic Development Zones Act
A.404 (Magnarelli)	S.2784 (Parker)	Referred to Ways and Means	Creates the Technology Commercialization Partnership program
A.448 (Magnarelli)	No Same As	Referred to Ways and Means	Establishes the Empire Revolving Bridge Loan Fund within the Urban Development Corporation
A.529 (Cusick)	S.1217 (DeFrancisco)	Advanced to 3 rd Reading	Provides for a reasonable amount of construction contract sum to be deposited in a separate interest bearing escrow account with a third party escrow agent
A.710 (Rosenthal)	No Same As	Reported to Codes	Prohibits the manufacture, distribution, sale and use of nail polish and nail hardener containing certain dibutyl phthalates, toluene, or formaldehyde
A.1041 (Jaffee)	S.3961 (Martins)	Passed Assembly	Prohibits the selling, offering for sale or distribution of any electrical or extension cords with fraudulent seals
A.1041 (Jaffee)	S.3961 (Martins)	Passed Assembly	Requires merchants to only sell properly sources electrical chords
A.1958 (Lentol)	S.4943 (O'Brien)	Passed Assembly	Revises procedures for issuance of retail and special retail liquor licenses for on-premises consumption for premises within 500 feet of 3 or more existing premises
A.2026A (Schimminger)	S.1695A (Ranzenhofer)	Reported to Codes	Authorizes courts to suspend a driver's license where the holder fails to adhere to the court
A.2027 (Schimminger)	S.743 (Fuschillo)	Reported to Codes	Establishes no itinerant vendor shall offer for sale baby food, nonprescription drugs, cosmetics and batteries
A.2745A (Gabryszak)	S.2321 (Klein)	Reported to Ways and Means	Provides that the state policy with regard to the alcoholic beverage control law shall be to promote economic

			development in the beer, wine and liquor industries
A.2894A (Ortiz)	S.4491 (Griffo)	Passed Assembly	Relates to sales and deliveries of liquor and wine to not-for-profit organizations
A.3735 (Benedetto)	S.227 (Grisanti)	Passed Assembly	Authorizes the retail sale of alcoholic beverages at 11 a.m.
A.4394 (Kavanagh)	S.2638 (Parker)	Reported to Rules	Creates a sustainable development task force to study the feasibility of adopting a regulatory system to achieve goal of sustainable development
A.4612B (Sepulveda)	No Same As	Referred to Codes	Requires a dealer of motor fuel engaged in method of payment pricing to clearly post the price differences based on the method of payment
A.4884 (Ortiz)	No Same As	Referred to Codes	Increases the penalty for the fraudulent sale of poppies, forget-me-nots, daisies, flags and other articles sold for patriotic purposes
A.5321 (Gibson)	S.2193 (Young)	Passed Assembly	Makes provisions on planning and development of regionally based urban and regional farmers' markets facilities
A.6073 (Glick)	S.3077 (Hoylman)	Passed Assembly	Requires the state liquor authority to make available on its automated public license query website and database information pertaining to any conditions it imposes
A.6417A (Rosenthal)	S.5237 (Robach)	Reported to Ways and Means	Provides science, technology, engineering and mathematics (STEM) grants for the encouragement of women and minorities to pursue careers in technology
A.6538 (Schimminger)	S.4000 (Zeldin)	Referred to Codes	Clarifies that private investigators may work as bail enforcement agents, watch guards, or patrol agencies; increases punishment for private investigation without a license
A.6591 (Schimminger)	S.3616 (Marcellino)	Reported to Rules	Removes the street level entrance requirement for licenses for selling alcohol at retail for consumption off the premises
A.6991-A (Gabryszak)	S.4494-A (Maziarz)	Referred to Codes	Exempts retired federal agents and border patrol agents from security guard training requirements
A.7161 (Rosenthal)	S.5172 (Gallivan)	Passed Assembly	Codifies the Regional Technology Development Program under the Economic Development Law

A.7673 (Stirpe)	S.5700 (Griffo)	Passed Assembly	Provides assistance for advanced manufacturing training
A.7816-A (Crespo)	No Same As	Reported to Rules	Provides that the State Liquor Authority may revoke a license upon a finding that the license has deliberately misled the Authority
A.7817 (Crespo)	S.5752 (Klein)	Passed the Legislature	Requires transfer of information re notice of arrests/convictions in cities with a population of one million or more

APPENDIX C

COMMITTEE ON ECONOMIC DEVELOPMENT, JOB CREATION, COMMERCE AND
INDUSTRY

2013

Chapters

Assembly Bill #	Senate Bill #	Chapter	Description
A.1075 (Heastie)	S.2133 (Martins)	2	Expands the products that may be sold on-premises by wholesalers
A.1512 (Magee)	S.267 (Larkin)	355	Authorizes farm wineries to sell wine to roadside farm markets
A.2295 (Brindisi)	S.2154 (Griffo)	16	Authorizes the Mohawk Valley Regional Economic Development Council to coordinate cyber security activities at the Griffiss Business and Technology Park
A.2530-B (Crespo)	S.4101-A (Klein)	257	Increases the community service requirement for underage purchase of alcoholic beverages from 30 to 90 hours
A.3869 (Simotas)	S.3978 (Maziarz)	188	Requires license and renewal applicants to indicate the type of establishment to be operated
A.4834 (Perry)	S.4534 (Parker)	192	Authorizes the state liquor authority to issue a retail license for on-premises consumption of alcoholic beverages for certain premises located within 200 feet of a church
A.4851 (Lentol)	S.3560 (Adams)	110	Authorizes the issuance of a retail liquor license to a business that is otherwise prohibited from obtaining a license based upon their geographic location
A.7166 (Schimminger)	S.352 (Gallivan)	224	Clarifies the Alcoholic Beverage Control Law to ensure that businesses are not unfairly impacted by minor violations
A.7121 (Schimminger)	S.4913 (Marcellino)	122	Authorizes temporary permits for the continued operation of a retail

			establishment with a liquor license
A.7629 (Schimminger)	S.5728 (Ranzenhofer)	81	Extends certain provisions relating to the empire state economic development fund
A.7965-B (Stec)	S.5736-C (Little)	241	Establishes that the State Liquor Authority may issue a license for the manufacture of liquor to the Fort William Henry Corporation
A.8046 (Schimminger)	S.5832 (Marcellino)	354	Provides for the brand or trade name labeling of alcoholic beverages
A.8047 (Schimminger)	S.5833 (Valesky)	384	Creates the Cidery License under the Alcoholic Beverages Control Law