

New York State Assembly

Carl E. Heastie

Speaker



Committee on
Economic Development,
Job Creation, Commerce and Industry

Robin L. Schimminger

Chairman

2016

ANNUAL REPORT



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, 2016

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

Dear Speaker Heastie:

I am pleased to submit the 2016 Annual Report of the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry.

During the 2016 Legislative Session and budget negotiations, the Committee considered significant budget proposals and legislation impacting State and local economic development, the licensure and compliance of certain businesses, and the Alcoholic Beverage Control (ABC) Law. Several new economic development initiatives were enacted this year that will assist businesses to grow in New York. Those initiatives include legislation to provide the Empire State Development Corporation with greater flexibility to administer the Restore NY Program, reduce fees for seasonal establishments, and a number of measures related to the craft beverage sector. The Committee continued its work on modernizing the ABC Law and specifically sought to reduce outdated and unnecessary restrictions, while supporting measures that allow the market to function in a manner that is balanced for consumers and businesses.

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
Member of Assembly
Chair, Assembly Standing Committee on Economic
Development, Job Creation, Commerce and Industry

2016 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
Donna Lupardo
Addie Russell
Ellen Jaffee
Michael A. Simanowitz
Anthony Brindisi
Harry Bronson
Al Stirpe
Didi Barrett
Frank Skartados
Maritza Davila
Rodneyse Bichotte
Kimberly Jean-Pierre
Latrice Walker
Charles Barron
Alicia Hyndman

Minority

Raymond Walter, Ranking Member
James N. Tedisco
Marc W. Butler
Clifford Crouch
Steve Katz
Steven McLaughlin
David DiPietro

Staff

Giovanni Warren, Assistant Secretary for Program and Policy
Debra Jenkins, Legislative Analyst
Kristin Kopach, 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 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 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 2016-2017 ECONOMIC DEVELOPMENT BUDGET INITIATIVES

The Committee advanced several key initiatives focusing on creating jobs and opportunities for businesses and entrepreneurs. The following are programs that impact businesses in New York State and received allocations in the FY 2016-2017 budget either through the Department of Economic Development or through the Urban Development Corporation, which 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 2016-2017 budget highlights relating to economic development initiatives funded through ESD:

- The Legislature provided ESD with an All Funds appropriation of \$2.16 billion, representing a net increase \$1.14 billion from the Executive proposal.
- The Aid to Localities budget restored support for the following programs:
 - ✓ \$31 million for the Empire State Economic Development Fund;
 - ✓ \$10 million for the Centers of Excellence, which funds the 10 existing Centers of Excellence at the same amount of \$1 million each;
 - ✓ \$13.818 million for the 15 existing Centers for Advanced Technology;
 - ✓ \$1.38 million for the Technology Development Organizations;
 - ✓ \$3 million for Military Base Retention and Research Efforts;
 - ✓ \$1 million for the Beginning Farmers NY fund;
 - ✓ \$950,000 for the Bronx Overall Economic Development Corporation;
 - ✓ \$400,000 for the Center State Corporation for Economic Opportunity;
 - ✓ \$300,000 for the Adirondack North County Association;
 - ✓ \$300,000 for Community Development Financial Institutions, for a total appropriation of \$1.8 million; and
 - ✓ \$250,000 for the Veterans Farmers Grant Fund.
- The Capital Projects budget incorporated an expansion of several capital projects originally included in the Executive proposal, resulting in a total All Funds appropriation of \$2.04 billion, which includes:
 - ✓ \$150 million for Regional Economic Development Councils;
 - ✓ \$100 million for the Downtown Revitalization Initiative;
 - ✓ \$685.5 million for high technology manufacturing projects in Chautauqua and Erie County;
 - ✓ \$638 million for economic development projects at Nano Utica;
 - ✓ \$199 million for New York Works;
 - ✓ \$200 million in Upstate Revitalization Initiative; and
 - ✓ \$20 million to conduct a multi-year study and complete the process of widening bridges and roads to accommodate traffic flow along Sunrise Highway of Route 27 and 27-A over the Connetquot River.

III. IMPROVING NEW YORK'S ECONOMY AND CREATING JOBS

The Committee plays an important role in facilitating economic development policy in the State. 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.

The Governor's 10 Regional Economic Development Councils (REDCs) developed and implemented comprehensive Strategic Plans for their respective regions in 2015 and presented updated plans in October 2016. These plans played an important role in determining how millions of dollars in existing economic aid were awarded through the State's Consolidated Funding Application (CFA). The REDCs were awarded another round of funding in the FY 2016-2017 Budget, which consisted of up to \$150 million in awards through grant money and tax credits. An additional, \$100 million was allocated for the Downtown Revitalization Initiative that will provide ten downtown neighborhoods across the State with a million dollar award via a competitive process. This capital spending and tax credits will make up the core of the CFA awards.

The Committee further focused its efforts this year on initiatives that support emerging industries and promote development of key agricultural, technological, and business enterprises. The following is a list of significant legislation worked on by the Committee in 2016:

Making the Restore NY Program More Flexible (A.10257, Schimminger, Chapter 151 of the Laws of 2016)

This law provides the Empire State Development Corporation with greater flexibility in administering Restore NY by allowing for new uses of reconstructed buildings at eligible locations, facilitating the revitalization of downtown areas.

Aiding Small Businesses and Entrepreneurs (A.5480, 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.

**Streamlining Process Server Requirements in New York City
(A.5656-A, Pretlow, Reported and Referred to Codes)**

This bill removes the requirement for process servers in New York City of having to log process of service attempts and subsequent amendments manually and requires such attempts to be done by electronic means only.

**Evaluating Economic Development Programs Using State Funds
(A.7084-A, Cook, Reported and Referred to Ways and Means)**

This bill would require a study to be performed on programs overseen by the Urban Development Corporation (UDC) and any other programs funded with State money that provide technical assistance services to communities with a predominantly minority population. Further, this bill would require the UDC to partner with not-for-profit organizations to provide technical assistance if any gaps in the coverage are found in minority communities.

**Expanding Participation in the Excelsior Jobs Program
(A.10156, Schimminger, Reported and Referred to Ways and Means)**

This bill would reduce the requisites for participation in the Excelsior Jobs Program to help make the program a more effective catalyst for the establishment of new, targeted businesses sectors in the State.

**Helping Small Businesses Apply for Low-Interest Loans and Grants
(A.10238, Schimminger, Reported and Referred to Ways and Means)**

This bill would add small businesses impacted by state and local infrastructure projects to the list of businesses able to apply for funding under the Economic Development Fund and would add such businesses to those able to apply for low-interest loans in the Linked Deposit Program under the State Finance Law.

V. REFORMING THE ALCOHOLIC BEVERAGE INDUSTRY

The Committee's primary responsibility in the area of the Alcoholic Beverage Control (ABC) Law is to ensure the safe and lawful manufacturing, distribution and sale of alcoholic beverages in the State. In addition, the Committee has recognized the changing market for alcoholic products in relation to agri-business and tourism. New York State has committed to utilizing New York's farm products to produce alcoholic beverages, and encourage the expansion of local craft beverage markets.

In addition, the Committee continued its efforts aimed at modernizing the law and specifically sought to reduce outdated and unnecessary restrictions in the ABC Law. In 2007, the Committee began the process of reforming the ABC Law by passing legislation directing the Law Review Commission to analyze and propose legislation relating to the effectiveness of the ABC Law which was produced in 2009. This session, the Committee approved legislation in furtherance of this goal and remains committed to working with the industry to achieve sustainable growth.

The Committee has also worked on bills that would provide manufacturers with additional flexibility in promoting their alcoholic products and fostering growth by supporting the various markets in which the products are sold. 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 ABC Law to ensure the law is supporting a market that functions best, and in a balanced manner, for consumers and businesses. The Committee will 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.

Authorizing the State Liquor Authority to Issue Temporary Retail Permits (A.10051, Schimminger, Chapter 138 of the Laws of 2016)

This law extends current law provisions authorizing the State Liquor Authority, outside New York City, to issue temporary retail permits to applicants during the period the license application is pending.

Exempting the Concord Grape Belt Heritage Association (A.7478, Goodell, Chapter 285, Laws of 2016)

This law requires the New York State Liquor Authority to issue a farm winery license to the Concord Grape Belt Heritage Association.

**Reforming the Alcoholic Beverage Control Law
(A.10728, Rules (Schimminger), Chapter 297, Laws of 2016)**

This law amends various provisions of the Alcoholic Beverage Control (ABC) Law and makes related amendments to other laws to implement recommendations. The law authorizes alcoholic beverages to be sold for on-premise consumption on Sundays beginning at 10 a.m. and further allows outside of New York City alcoholic beverages to be served from 8 a.m. to 10 a.m. twelve times per year with a permit. The law requires that if a vacancy occurs in the office of the Chair of the State Liquor Authority (SLA), the Governor would be authorized to temporarily appoint one of the two Commissioners for six months. The law also creates a combined craft manufacturing license authorizing the SLA to issue two or more farm or micro-manufacturing licenses for use at one location and creates a new importers license, which would authorize the license holder to import alcoholic beverages into the State and sell to licensed wholesalers. Further, the law eliminates the need for a solicitor's permit for a sales person only working for a craft manufacturer; extends the duration of a temporary solicitor's permit from sixty days to six months and eliminates the need for the holder of a solicitor's permit to obtain a surety bond. Lastly, the law authorizes a winery or farm winery to sell wine in growlers with a maximum volume of four liters and allows patrons to take resealed bottles of opened wine away from such licensed premises.

**Proving an Exemption for a Farm Brewery
(A.9376-A, Magnarelli, Chapter 303, Laws of 2016)**

This law amends the Alcohol Beverage Control (ABC) Law to exempt five properties in Central New York from certain provisions of the ABC Law. This will allow the owner to apply for and construct a farm brewery in the City of Syracuse.

**Providing an Exemption for a Restaurant Brewer's License
(A.9674-B, Galef, Chapter 318, Laws of 2016)**

This law authorizes the State Liquor Authority to issue a restaurant brewer's license for a business in the City of Peekskill.

**Providing Parity Among the Various Farm-Based Licenses
(A5580, Fahy, Chapter 327 of the Laws of 2016)**

This law authorizes farm cideries to sell beer, wine, and liquor manufactured by any New York State licensed operation, including farm operations.

**Relating to the Sale of Wine and Spirits
(A.7960-A, Magee, Chapter 328, Laws of 2016)**

This law amends the Alcoholic Beverage Control Law to permit farm breweries to sell wine and spirits manufactured by any licensed farm winery or distiller at retail for consumption on or off a farm brewery's premises. Further, this bill would permit wineries to sell beer and

spirits manufactured by any licensed farm brewery or distillery at retail for consumption, on or off the farm winery premises.

**Defining “For Cause” in State Liquor Authority to Revoke Licenses
(A.6857-A, Crespo, Chapter 336, Laws of 2016)**

This law authorizes the New York State Liquor Authority (SLA) to revoke an on-premises license upon a finding that the licensee has deliberately misled the SLA as to the nature of the business or has altered the nature of the business without SLA approval.

**Providing for a License to Sell Liquor at Retail for Consumption On-Premises
(A.9323, Ryan, Chapter 349, Laws of 2016)**

This law provides for an exemption to the 200 Foot Rule and allow a location to apply for a liquor license for on-premises consumption.

**Clarifying Existing Provisions Related to Alcoholic Beverage Tastings
(A.9056, Lupardo, Chapter 409, Laws of 2016)**

This law expands the instructional use of alcoholic beverages for students under the age of 21 who are enrolled in an approved course, by allowing such students to taste or imbibe alcoholic beverages off campus, as part of a required college course curriculum.

**Assisting Custom BeerMaker, Winemaker and Cidermaker Centers
(A.1100-B, Magee, Passed Both Houses)**

This bill would help to facilitate the production of homemade beer, cider and wine using New York grown or produced ingredients. It would authorize licensed facilities where individuals can rent work and storage space, and equipment to manufacture beverages for personal consumption. This bill would lower the overhead costs for home or personal production and provides space for enthusiasts who do not have room where they live to produce homemade beer, wine or cider.

**Establishing Pro Rata License Fees for Owners of Seasonal Bars
(A.9954, Woerner, Passed Both Houses)**

This bill would allow a licensed premise that operates a seasonal bar in addition to its licensed bar, to pay a prorated amount of the additional bar fee, based on the number of months in operation for its seasonal bar.

**Clarifying the Authority of the State Liquor Authority
(A.10248, Steck, Vetoed, Memo #223)**

This bill would have clarified the basis upon which the State Liquor Authority would have been authorized to revoke, suspend or cancel a license or permit by excluding violations of

the laws or regulations of other states unless the conduct falls within certain exceptions and established standards in statute for the delivery of beverage alcohol.

**Increasing Public Notification to Sell Liquor for On-Premise Consumption
(A.512-A, Lentol, Reported and Advanced to 3rd Reading)**

This bill would better inform the public of those establishments applying for retail liquor licenses for on-premises consumption by requiring applicants filing an application to sell liquor for on-premises consumption to highlight statutorily required posting within 10 days of filing such application with the State Liquor Authority. The bill would also require that within 10 days of the applicant's receipt of written notice of a hearing, the applicant must post notice of such hearing.

**Notifying Municipalities and Community Boards
(A.542, Lentol, Reported and Advanced to 3rd Reading)**

This bill would require the New York State Liquor Authority to provide additional information to community boards and municipalities when holding a hearing regarding the 500-foot rule. The bill requires that such information include a copy of the application, with personal information redacted, and the date, time, and place the hearing will be held.

**Notifying Municipalities and Community Boards About Hearings
(A.567, Lentol, Reported and Advanced to 3rd Reading)**

This bill would require the State Liquor Authority to provide community boards or municipalities 30 days' notice, instead of the current 15 days, in advance of any hearing conducted on an application for a retail liquor license for on-premises consumption for premises within 500 feet of three or more existing establishments.

**Notifying Communities of Application Renewals
(A.3375, 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.

**Imposing Conditions on Licensees
(A.3908, 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.

**Making Information Accessible
(A.4067, Glick, Passed Assembly)**

This bill would require the State Liquor Authority (SLA) 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.

**Strengthening Underage Drinking Penalties
(A.4210, 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 who fails to appear in court, pay a fine, or complete an alcohol awareness program or community service. Currently, courts may only issue an appearance ticket, thus making it difficult for courts to enforce court appearances or impose increased fines, educational measures, or community service requirements.

**Obtaining Community Opinion Before Granting a License
(A.4702, Moya, Reported and Advanced to 3rd Reading)**

This bill would require notice to a locality and would allow 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.

**Reducing Under Aged Drinking
(A.7039, Schimminger, Reported and Referred to Codes)**

This bill would reduce instances of underage drinking by authorizing courts to enter a guilty plea and a default judgment on behalf of a defendant charged with underage drinking and who has failed to appear in court.

**Restricting the Sale of Crystalline Alcoholic Products
(A.8292, Cymbrowitz, Reported and Referred to Codes)**

This bill would amend Chapter 231 of the Laws of 2015 to add the word "beverage" to the section of law restricting the sale of powder or crystalline alcoholic products to allow for consistency in terminology.

**Authorizing Sunday Sales of Alcohol Before Noon
(A.9268-A, Benedetto, Reported and Advanced to 3rd Reading)**

This bill would amend the Alcoholic Beverage Control Law to change the time of when on-premises sales of alcoholic beverages can begin on Sunday mornings from noon to an earlier start time. The original bill, as reported from committee, allowed for sales to begin at 11:00 a.m. and it was subsequently amended to 8:00 a.m.

**Ensuring Public Safety
(A.9359, Lentol, Reported and Referred to Codes)**

This bill would require the New York State Liquor Authority to determine whether the owner of a premises approves of the use of such venue and whether the event to be held would endanger public safety before issuing a caterer's permit. The bill would also require the SLA to consult with the Department of Environmental Conservation, the local fire department, and the local police department to ensure the safety of the event to be held and the security of the venue.

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.

Making Clarifications Related to Care Instructions When Purchasing Small Animals (A.9204, Rosenthal, Chapter 10, Laws of 2016)

This law amends Chapter 557 of the Laws of 2015 to provide additional clarification as to type and source of information of digital and written care instructions that must be issued by retailers to purchasers of small animals to ensure their proper care and handling. The law also requires retailers to maintain a copy of the written care recommendations and authorizes the Department of Agriculture and Markets to inspect such records. This law defines a retailer as any person who conducts a business of selling or offering for sale small animals at retail for profit to the public.

Requiring Pet Groomers Licensure (A.1451-B, Paulin, Reported and Advanced to 3rd Reading)

This bill would require pet groomers to obtain a license in order to groom pets, and define pet grooming as a business where pet grooming is the establishment's predominant source of sales. Such licenses would be issued after completing a training program as designed by the Secretary of State, in collaboration with the Department of Agriculture and Markets. The bill would also provide provisions in respect to proper recordkeeping, standard of care for pets, annual licensing fee, inspections, and violations.

Prohibiting the Sale of Fraudulently Labeled Electrical Cords (A.2269, Jaffee, Reported and Advanced to 3rd Reading)

This bill would require retail merchants to cease selling electrical products sold with fraudulent claims of quality and safety. Further, this bill 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.

Amending Anti-Trust Law (A.3266, Weprin, Reported and Advanced to 3rd Reading)

This bill would authorize the court to award damages if an anti-trust lawsuit is brought as a class action lawsuit.

**Regulating the Sale of Motor Fuel Retail Outlets
(A.5331, 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.

**Clarifying Reasonable Detention by a Mercantile Establishment
(A.5581-B, Sepulveda, Reported and Advanced to 3rd Reading)**

This bill would provide clarification as to what is considered reasonable detention by a mercantile establishment while conducting an investigation of an alleged crime. Further, the bill provides that the release of an individual or his/her legal guardian not be premised upon the signing of any documents. This bill would not restrict the merchant's ability to contact law enforcement or to pursue legal action as provided for under existing law.

**Achieving Sustainable Development
(A.5793, Kavanagh, Reported and Referred to Ways and Means)**

This bill would create a task force to study the feasibility of adopting a regulatory system to achieve the goal of sustainable development.

**Prohibiting Vendor Sales of Certain Products
(A.6012, Schimminger, Reported and Referred to Codes)**

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

**Increasing Penalties for Fraudulent Sale of Patriotic Items
(A.7541, 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 from first time violation of \$50 to \$500 and creates a maximum penalty of a misdemeanor punishable by a fine of \$1000 or less than one year of imprisonment for subsequent violations.

**Evaluating Access and Investment in Child Care
(A.8114, Solages, Reported and Advanced to 3rd Reading)**

This bill would require the Urban Development Corporation (UDC) to select five economically distressed areas to evaluate child care programs intended to serve low-income families and develop strategies for the expansion and creation of child care programs through the various programs administered by UDC. The study would be completed in collaboration with the Office of Children and Family Services, the Office of Temporary Disability Assistance, and if practicable, local social services districts.

VI. 2016 PUBLIC HEARINGS/ROUNDTABLES

Providing Affordable and High Quality Cable, Broadband, and Telephone Service

On January 20, 2016, the Assembly Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing with the Assembly Committee on Corporations, Authorities and Commissions to examine the telecommunications marketplace and the ability of consumers to obtain affordable and high quality cable, broadband, and telephone service.

Seeking Input on Potential Obstacles to Net-Metering for Residents and Businesses

On May 6, 2016, the Assembly Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing with the Assembly's Energy Committee to examine the impact of electric corporation interconnection requirements on residents and businesses seeking to install net-electric metering equipment on their properties, as well as the impact on renewable energy installers and manufacturers.

Budget Oversight

On August 3, 2016, the Assembly Standing Committee on Economic Development, Job Creation, Commerce and Industry held a public hearing on the State Fiscal Year 2016-2017 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.

VII. OUTLOOK FOR 2017

The 2016 Legislative Session was very productive and the Committee will continue its focus on advancing policies and programs aimed at 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 Committee will continue to work to increase the State's accessibility to the business community while easing onerous and outdated burdens and to promoting and retaining the State's 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 tourism in the State.

APPENDIX A

**2016 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 Ways and Means	6	0	6
To Codes	26	0	26
To Rules	0	0	0
To Judiciary	0	0	0
Bills Having Committee Reference Changed			
To Health	1	0	1
Total	1	0	1
Senate Bills Substituted or Recalled			
<i>Substituted</i>		4	4
<i>Recalled</i>		0	0
<i>Total</i>		4	4
Bills Defeated in Committee	0	0	0
Bills Never Reported, Held in Committee	27	0	27
Bills Never Reported, Died in Committee	162	25	187
Bills Having Enacting Clauses Stricken	3	0	3
Motions to Discharge Lost	0	0	0
Total Bills in Committee	234	29	263
Total Number of Committee Meetings Held	7		

APPENDIX B

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

2016 Bills Considered (Chapters/Vetoed are included in Appendix C)

Assembly Bill #	Senate Bill #	Last Assembly Action	Description
A.512-A Lentol		Advanced to 3 rd Reading	Revises procedures for issuance of retail and special retail liquor licenses for on premises consumption
A.542 Lentol		Advanced to 3 rd Reading	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.567 Lentol	S.4291 Dilan	Advanced to 3 rd Reading	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.1451-B Paulin	S.5098 Lanza	Advanced to 3 rd Reading	Provides for the licensing and regulation of pet groomers; establishes standards of care, training and testing
A.2269 Jaffee	S.6734 Martins	Advanced to 3 rd Reading	Prohibits the selling, offering for sale or distribution of any electrical or extension cords with fraudulent seals for the Underwriters' Laboratory
A.3266 Weprin		Advanced to 3 rd Reading	Authorizes a class action law suit in anti-trust actions
A.3375 Glick		Advanced to 3 rd Reading	Provides for notice to the community board upon an application for renewal of a license and requires the liquor authority to create a form for comment by such board
A.3908 Gottfried	S.342 Holyman	Advanced to 3 rd Reading	Provides that liquor authority may include certain terms and conditions as part of various licenses for on-premises consumption to assure premises are lawfully operated

Assembly Bill #	Senate Bill #	Last Assembly Action	Description
A.4067 Glick	S.343 Holyman	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.4210 Schimminger	S.868 Ranzenhofer	Reported and Referred to Codes	Authorizes courts to suspend a driver's license where the holder fails to adhere to the court order
A.4702 Moya		Advanced to 3 rd Reading	Provides a municipality or community board to express an opinion before a license is granted to a person to sell liquor at retail for off-premises consumption
A.5331 Thiele	S.3815 Lavalle	Advanced to 3 rd Reading	Prohibits a producer, refiner or distributor from selling, transferring, or assigning interest in a retail outlet leased to a motor fuel dealer
A.5480 Schimminger	S.6588 Serino	Reported and Referred to Ways and Means	Requires state economic development agencies to provide preferences to small businesses and entrepreneurs in the programs that they administer
A.5581-B Sepulveda		Advanced to 3 rd Reading	Relates to mercantile establishments and the defense of lawful detention
A.5656-A Pretlow	S.4916-A	Reported and Referred to Codes	Relates to process server records
A.5793 Kavanagh	S.1586 Parker	Reported and Referred to Ways and Means	Creates a sustainable development task force to study the feasibility of adopting a regulatory system to achieve goal of sustainable development
A.6012 Schimminger	S.3840	Reported and Referred to Codes	Establishes no itinerant vendor shall offer for sale baby food, nonprescription drugs, cosmetics and batteries
A.7039 Schimminger	S.3600 Ranzenhofer	Reported and Referred to Codes	Authorizes courts to render default judgments in cases of failure to answer for unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years

Assembly Bill #	Senate Bill #	Last Assembly Action	Description
A.7048-A Cook	S.2579-A Parker	Reported and Referred to Ways and Means	Authorizes the urban development corporation to evaluate the geographical coverage of programs overseen by the corporation
A.7541 Ortiz		Reported and 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.8114 Solages		Advanced to 3 rd Reading	Relates to evaluation and assistance to increase access to child care
A.8292 Cymbrowitz		Passed Assembly	Relates to prohibiting the sale of any powdered or crystalline alcohol product
A.9268-A Benedetto	S.6307-A O'Mara	Advanced to 3 rd Reading	Authorizes the retail sale of alcoholic beverages at before 12:00 p.m. on Sunday
A.9359 Lentol		Reported and Referred to Codes	Requires the state liquor authority to determine the safety of a venue prior to approving certain permits
A.10156 Schimminger	S.7583 Young	Reported and Referred to Ways and Means	Reduces the number of new jobs which must be created by an applicant for eligibility under the excelsior jobs program
A.10238 Schimminger		Reported and Referred to Ways and Means	Relates to businesses impacted or dislocated by state and local infrastructure projects

APPENDIX C

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

2016 Chapters/Vetoes

Assembly Bill #	Senate Bill #	Chapter/Veto	Description
A.1100-B Magee	S.1227-B Carlucci		Relates to the licensing of custom beermakers, custom cidermakers and custom winemakers
A.5580 Fahy	S.5341 Amedore	Chapter 327 Laws of 2016	Relates to cider sold at retail for consumption
A.6857-A Crespo	S.4085-B Klein	Chapter 336 Laws of 2016	Relates to definition of "for cause" in instances of revocation of licenses
A.7478 Goodell	S.5049 Young	Chapter 285 Laws of 2016	Directs the state liquor authority to issue a farm winery license to the Concord Grape Belt Heritage Association Inc. Grape Discovery Center in the town of Westfield, county of Chautauqua
A.7960-A Magee	S.5707-A Ritchie	Chapter 328 Laws of 2016	Authorizes farm brewery licensee to sell wine and spirits manufactured by a licensed farm winery or distillery
A.9056 Lupardo	S.6531 Boyle	Chapter 409 Laws of 2016	Relates to the consumption of alcohol by students under the age of twenty-one who are enrolled in certain courses of study
A.9204 Rosenthal	S.6428-A Avella	Chapter 10 Laws of 2016	Relates to requiring pet dealers to provide instructions pertaining to the care of small animals
A.9323 Ryan	S.7165 Gallivan	Chapter 349 Laws of 2016	Relates to the issuance of a retail license for on-premises consumption for certain premises in Erie county
A.9367-A Magnarelli	S.6816-A DeFrancisco	Chapter 303 Laws of 2016	Exempts certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license
A.9674-B Galef	S.6884-B Stewart-Cousins	Chapter 318 Laws of 2016	Relates to the exemption of certain parcels of land for alcoholic beverage control purposes
A.9954 Woerner	S.1487 Marchione		Relates to pro rata license fees for seasonal bars

Assembly Bill #	Senate Bill #	Chapter/Veto	Description
A.10051 Schimminger	S.7905 Lanza	Chapter 138 Laws of 2016	Extends the effectiveness of provisions of law relating to temporary retail permits issued by the state liquor authority
A.10248 Steck	S.7728 Boyle	Vetoed Memo #223	Relates to clarifying the basis upon which the state liquor authority has the authority to revoke, suspend or cancel a license or permit
A.10257 Schimminger	S.7285 Ranzenhofer	Chapter 151 Laws of 2016	Relates to the restore New York's communities initiative
A.10728 Schimminger	S.8140 Lanza	Chapter 297 Laws of 2016	Relates to the reorganization of the alcoholic beverage control law