

The background of the cover features a large, light blue line-art illustration of the Seal of the State of New York. The seal depicts a central shield with a landscape including a sun, mountains, and a ship. Above the shield is an eagle with wings spread, perched on a globe. Flanking the shield are two female figures: Liberty on the left holding a torch and a scroll, and Justice on the right holding a scale. A banner at the bottom of the shield contains the Latin motto "E PLURIBUS UNUM".

The Voice for New York State Business 2023/2024 Report



**The
Business
Council**

2023-2024

2023-2024

The voice of business and employers in New York State.

Advancing economic growth, creating good jobs and strong communities across New York State.

Contents

About The Business Council	3
Membership	4
Insurance Fund.....	9
Government Affairs.....	11
The Business Council PAC	15
Events	16
Communications	17
The Public Policy Institute of New York State, Inc.....	18
Business Defense Fund	18

About The Business Council



The Business Council of New York State, Inc., is the leading business organization in New York, representing the interests of large and small firms throughout the state. Our membership includes **more than 3,000 member companies**, local chambers of commerce, and professional and trade associations.

Though **76%** of our members are small businesses, we also represent some of the largest and most important corporations in the world. Combined, **our members employ more than 1.2 million New Yorkers**.

We serve as an advocate for employers in the state's political and policy-making arenas, working for a healthier business climate, economic growth, and sustainable jobs.

The current Board Chair is Richard E. Constable, Executive Vice President, Global Head of Government Affairs and Social Impact, Madison Square Garden Entertainment Corporation. The board is comprised of eight Vice Chairs, 41 Directors, and the President & CEO.

more than
3,000
member companies

76%
of our members
are small businesses

members employ more than
1.2
million New Yorkers



Membership

New Policy Members

2023 was a record-breaking year for member recruitment. The Business Council ended the year with 80 new policy members, generating \$465,000 in new dues revenue, an increase of 37 members and \$253,000 over 2022. Additionally, we added 21 new Major Members, bringing the total to 128. Major Member status is given to those companies contributing \$10,000 or more in support of The Business Council each year.

New Insurance Fund Members

The Insurance Fund finished the year strong and recruited 25 new members and \$18,000 in new revenue in Q4, bringing their year-end total to 74 new members and \$58,000 in new dues.

Combined Policy and Insurance Members

Combining Policy and Insurance Fund membership, The Business Council ended 2023 with 154 new members (up from 122) and \$523,000 in new dues revenue, surpassing \$500,000 for the first time.

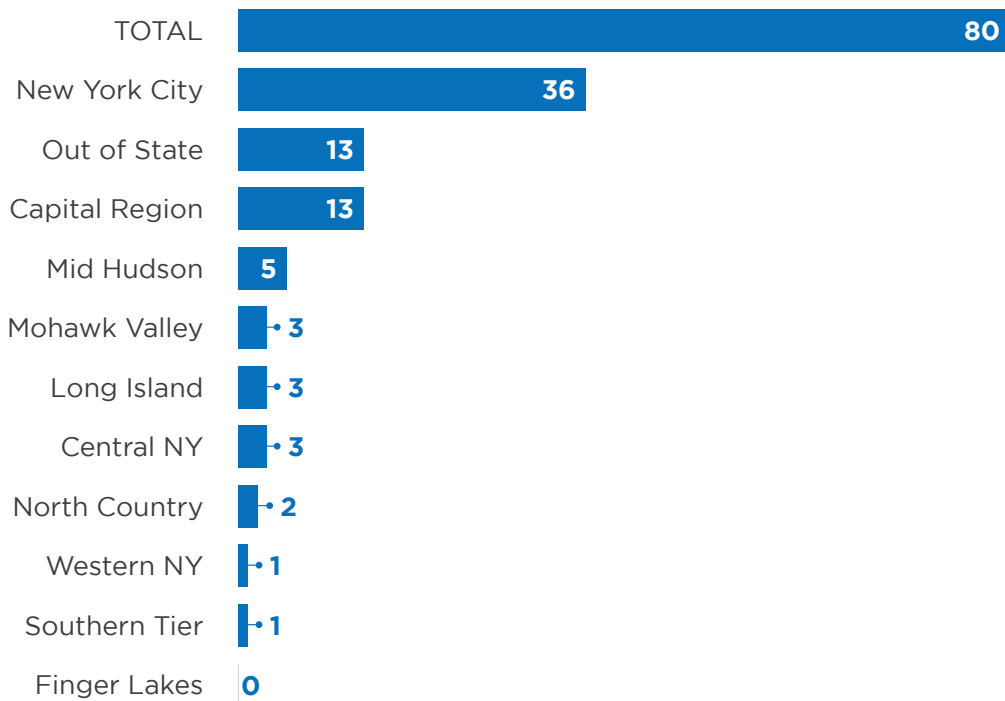
**The Business
Council ended
2023 with
154
new members**

which resulted in

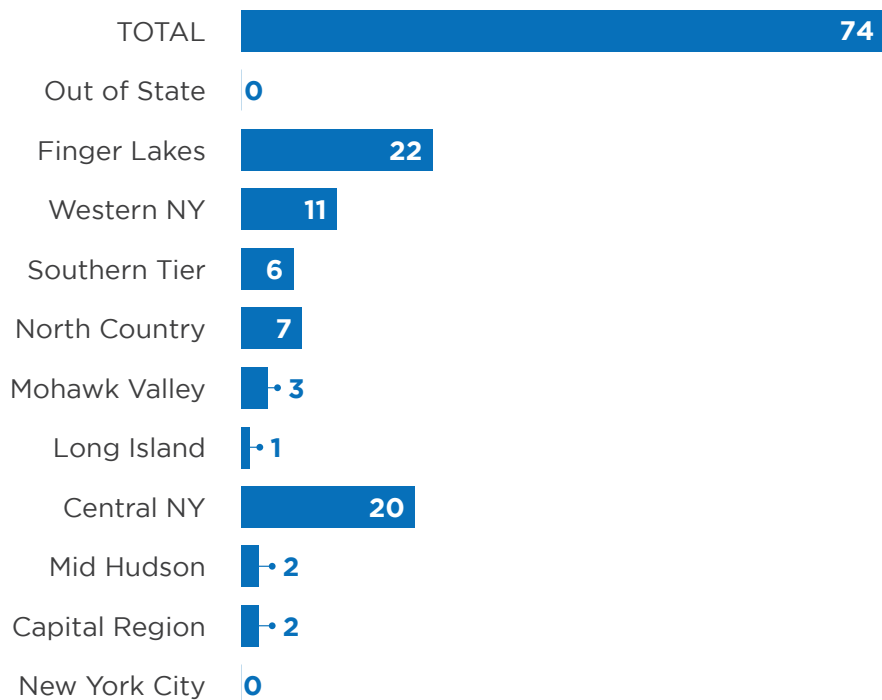
\$523,000

**of new membership dues
used to expand our voice
and advocacy efforts.**

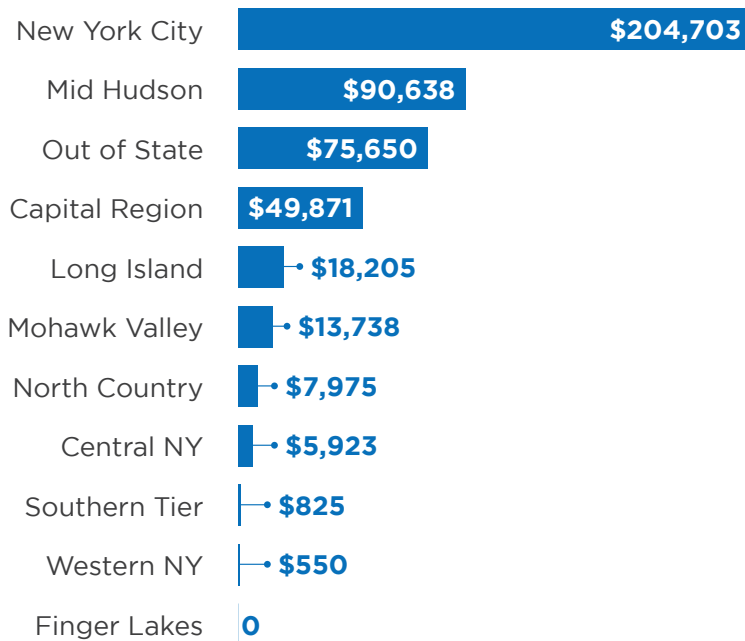
2023 New Policy Members by Region



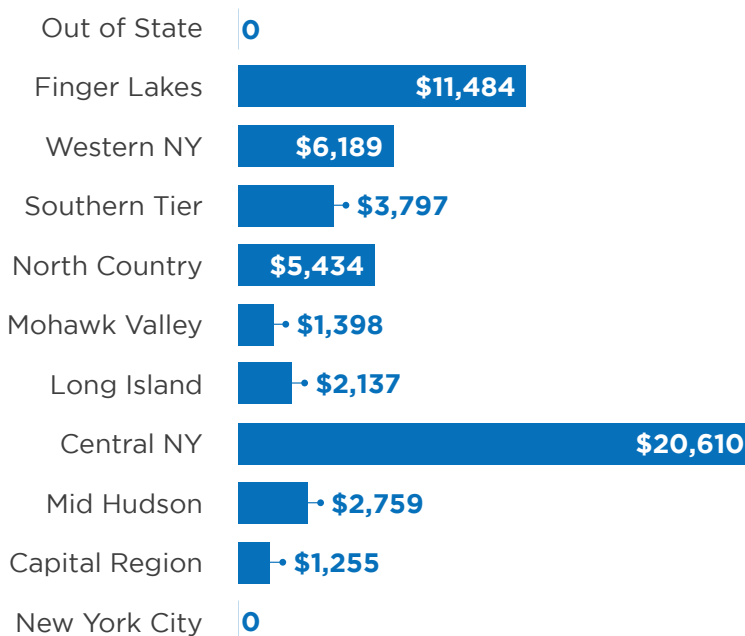
2023 New Insurance Members by Region

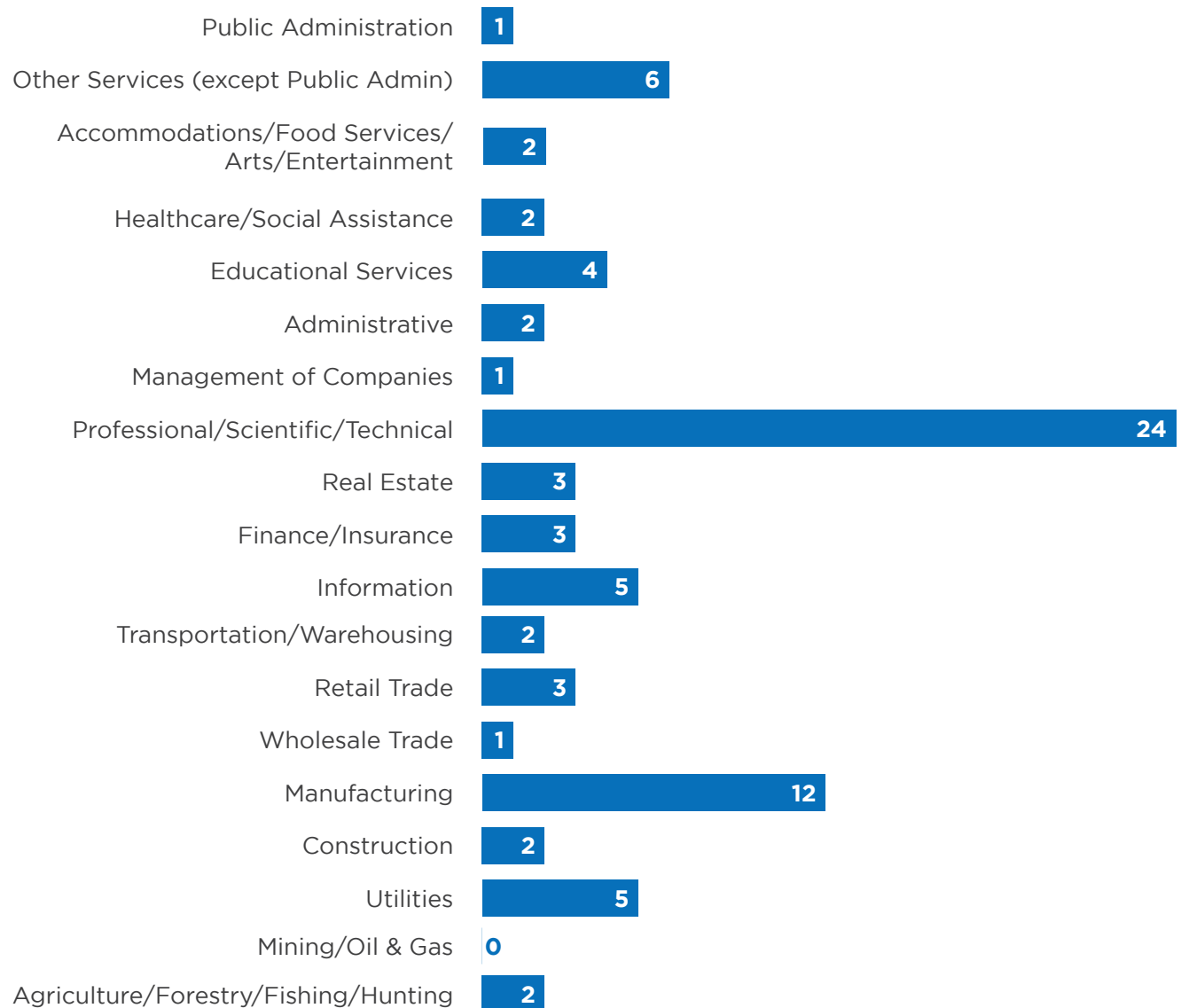


2023 New Policy Dues by Region

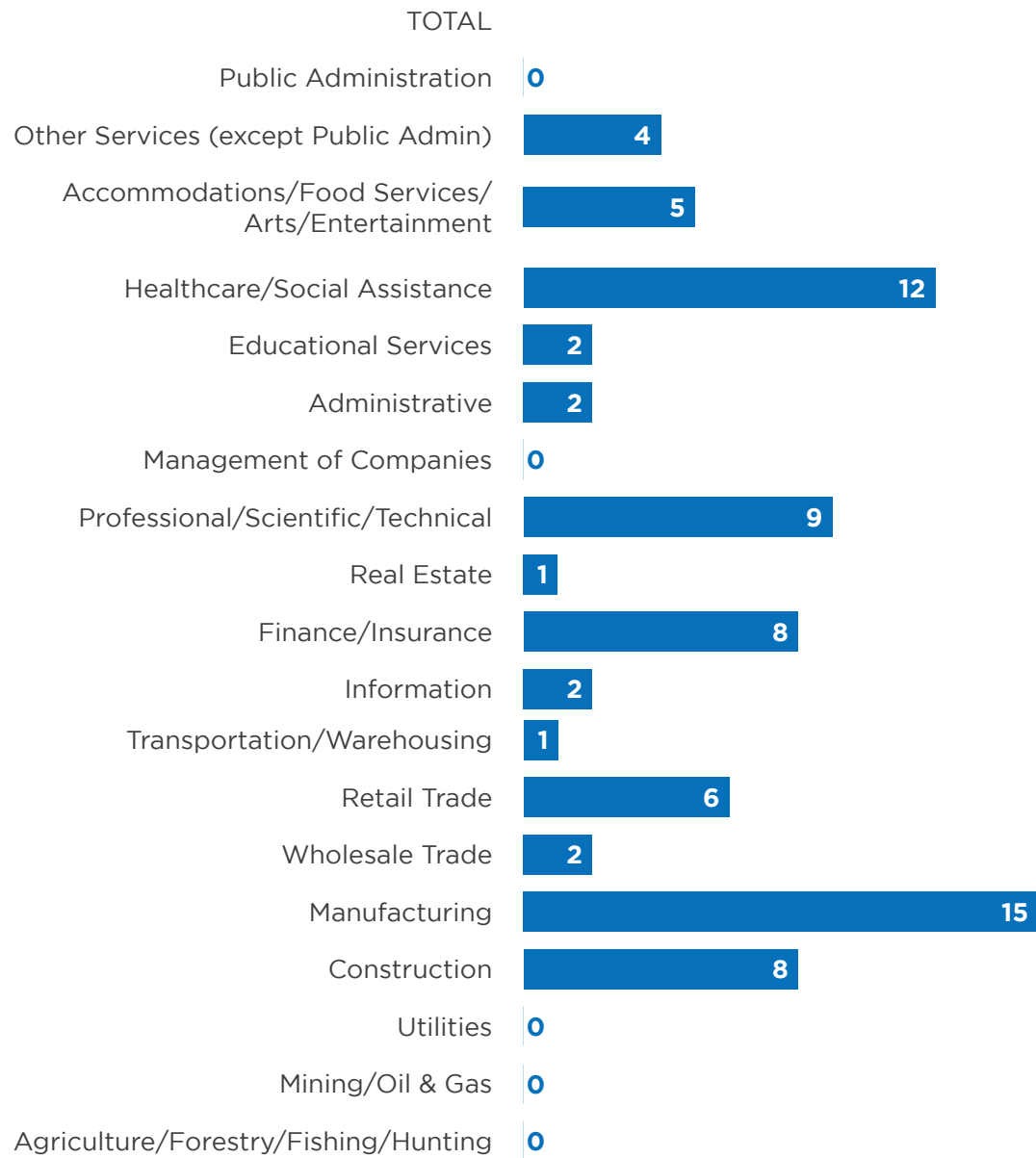


New Insurance Dues by Region



2023 New Policy Members by Industry

New Insurance Members by Industry





Insurance Fund

The Business Council of New York State, Inc. Insurance Fund was established in 1957 to provide employee benefit programs to the manufacturing sector. It operates as an ERISA Trust, with The Business Council as the sponsor. Approximately two-thirds of Business Council members participate in the group insurance products offered by the Fund, representing \$1.1 million in annual membership dues. BCNYS incurs little to no expenses related to the management of the Insurance Fund, as those costs are covered under administrative agreements the Fund has with participating carriers. The Leadership team of the Insurance Fund reports to the Board of Trustees.

Products offered by the Insurance Fund include:

- Group Life and Accidental Death and Personal Loss (ADPL)
- Group Disability
 - » Long-term Disability
 - » Short-term Disability
 - » NYS Statutory Disability (DBL)
 - » Paid Family Leave (PFL)
- Group Accident Coverage
- Group Specified Disease Coverage
- Group Hospital Coverage
- Group Dental Insurance
- Group Vision Insurance

Services provided by the Insurance Fund include, but are not limited to:

- Distribution
- Quoting/Pricing
- Implementation

- Billing
- Customer Service
- Claims Intermediary
- Booklet Preparation
- Commissions and Bonus Payments
- Renewal Management

The average company insured has 35 employees. These companies and their more than 100,000 employees also enjoy the full complement of Business Council membership benefits and services, including:

- Advocacy and access to Government Affairs staff and resources;
- Access to the toll-free HR Hotline;
- Participation in Government Affairs committees and councils; and
- BCNYS webinars, conferences, and events.

The Insurance Fund delivers the benefit programs to new and existing members through a network of insurance agents, brokers, and consultants. The Insurance Fund recognizes more than 300 agents/brokers and consultants in the state.



Approximately
two-thirds
of members of The Business
Council purchase insurance
offered by the Insurance Fund



Government Affairs

Executive Vice President Paul Zuber leads the Business Council's Government Affairs team, which includes seven staff members: six lobbyists, and one legislative assistant.

The Government Affairs team plays a pivotal role in developing strategies to influence public policy and legislation, as well as managing effective relationships with the executive branch, legislature, and governmental agencies with a goal towards supporting strong economic growth and job creation. The Business Council advocates for specific policies of interest to our members and broad-based business issues. The team works tirelessly to forge substantial relationships with legislators on both sides of the aisle to support the critical role of business in New York's economy.

2023 Advocacy

Veto

Noncompete Legislation

At the end of the 2023 legislative session, the legislature passed a bill that would make noncompete agreements illegal in New York. The legislation would have negatively impacted businesses that spend considerable time and resources on employees, particularly in the research and development sectors. The Business Council engaged the governor's office, offering amendments and seeking a veto. Outreach was done through The Public Policy Institute to educate the public on the adverse effects of the harmful legislation and how it could drive businesses and jobs out of New York State. Governor Hochul vetoed the bill; however, The Business Council will continue to monitor the issue during the next legislative session.

Additional Data Reporting

The Business Council also diligently tracked a bill that would have created additional reporting from Human Resource departments. This business corporation law change would have required companies and corporations to report certain and specific data, including gender, race, and ethnicity of employees. The bill would have upended a long-held and legitimate belief that the company information is privileged and confidential and should be used only by governmental organizations to determine -

on a wide scale - progress in the EEO presented by federal contractors. The Business Council also engaged the governor's office on this legislation, and on December 22nd, Governor Hochul vetoed the bill.

Unwarranted Lawsuits

The Business Council was also successful in leading the advocacy for a veto on legislation that would have subjected non-New York businesses or non-profits that secure authorization to conduct business in New York to potential lawsuits for actions completely unrelated to activities in New York. The Governor vetoed this bill on December 22nd.

Wrongful Death

Governor Hochul also vetoed a bill commonly referred to as "Wrongful Death" that would have expanded the established definition of wrongful death and created the possibility of additional lawsuits from families of a person killed because of negligence. Under current laws, families have several legal avenues to recover financially from their loss. This bill goes far beyond those current laws and would result in increased liability insurance premiums for consumers and employers.

Chapter Amendment

LLC Ownership

The Business Council, along with our allies, successfully advocated for chapter amendments to a bill that requires public disclosure of the beneficial owner of an LLC. The bill was designed to publicly identify owners of buildings, aimed at landlords in New York City, with specific personal information being made public, including the address of the beneficial owner. The bill would have seriously infringed on the rights of many business owners and would have provided the public with the opportunity to harass LLC owners. Although the bill was strongly supported by housing advocates, The Business Council, along with the Real Estate Board of New York (REBNY), were able to craft a chapter amendment that prohibits the public disclosure of personal information.

Successful Legislation

Simple Majority CPA

Advocacy efforts by The Business Council staff led to several new bills being passed by the legislature and signed into law. One new law allows for Certified Public Accountant (CPA) firms to incorporate in New York State with a "simple majority" of the ownership. Based on expansion estimates from the bill, in 2023 alone, New York could see as many as 150 new accounting firm partners across the state, generating up to \$66 million in new business activity and \$6.5 million in state-taxable income.

Clean Slate

In November, The Clean Slate Act was passed and signed into law. This initiative which The Business Council advocated, will seal certain criminal offenses after an extended period of time following the completion of all sentencing requirements and will expand the state's workforce while providing new opportunities for those seeking a second chance.

ABC Law Changes

The Business Council also successfully advocated for changes to the state's antiquated liquor laws, including allowing liquor stores to open at 10:00 a.m. on Sundays, with municipality approval. Additional changes would help businesses and the state's economy, and we look forward to continuing advocacy on this issue in 2024.

2024 Legislative Priorities

Government Affairs staff continues to work closely with the state legislature and the governor's office on initiatives for the 2024 legislative session. Governor Hochul, in her 2024 State of the State address and her budget proposal, outlined a vision for the state with the goal of holding the line on taxes. The Business Council will monitor the budget process with the goal of holding the governor to that pledge. In addition, we will renew our advocacy efforts on several bills from 2023 that we expect will be reintroduced by state lawmakers in 2024, including:

Antitrust

Proposed legislation that would replace New York's antitrust laws with the most anti-consumer and anti-competitive law in the nation passed the Senate again in 2023, but through The Business Council's efforts, a bill was not introduced in the Assembly. Still, it remains a major concern, and we continue to not only work with our members and legislators on this issue but also with the U.S. Chamber of Commerce.

Expanded Producer Responsibility

Expanded Producer Responsibility (EPR) will continue to be a topic of discussion as we move into the new session. The initial version of the bill would have required the producers of packaging and paper products to set up a "producer responsibility organization" to take responsibility for managing and financing material recovery, processing, and recycling. In addition, producers would be required to meet targets for reduced use of non-reusable packaging, recycling of materials and paper products, and post-consumer recycled content. Staff continue to reach out to key Business Council members on this legislation and expect it to continue to be part of the discussion in the upcoming session.

Data Privacy

This bill took a surprise turn last year with some strong movement for its passage toward the end of the 2023 session. Ultimately, the bill was not passed but we expect this will be a priority bill moving into 2024.

Unemployment Insurance (UI)

There continues to be little movement from the legislature or the governor's office in funding the UI debt, which, as of January 2024, stood at over \$7 billion. This will become even more difficult with the impending budget deficit. The AFL-CIO also expressed concern that makes movement difficult. The Business Council will be meeting with the AFL-CIO in the coming months to discuss their concerns.

Consumer and Small Business Protection Act

The Business Council has opposed this legislation that defines prohibited acts and practices as any unfair, deceptive, or abusive acts or practices in the conduct of business, trade, commerce, or services. An additional concern is that the bill would create a private right of action. Advocates have made a strong effort to pass this

legislation and point to New Yorkers for whom English is a second language as those being protected by the bill. In 2023, the Attorney General reached out to The Business Council to discuss acceptable amendments to the bill. The Business Council relayed its concern in relation to the broadness of the bill and how to best provide protections to consumers while avoiding penalties to businesses. The Attorney General continues to support a private right of action, which The Business Council cannot support. The involvement of the Attorney General makes this a high-priority bill going into 2024.

Frequency of Pay

The Business Council has worked with our members and our colleagues at the National Federation of Independent Businesses (NFIB) on the frequency of pay issue, which allows for wage theft private right of action against a company even if the company has properly paid their employee. Toward the end of 2023, the governor's office drafted a program bill to correct the current legislation, but the bill was not introduced by the legislature. Staff continue to work on this priority bill heading into 2024.

Climate Leadership & Community Protection Act (CLCPA)

CLCPA, the state law mandating New York's transition to a low-carbon economy, remains a priority as we continue to move forward with related legislation. In addition to the legislative work, The Business Council will continue to work on this issue through our related organization, New York Jobs Now, Inc. and our legal center, The Business Defense Fund.





The Business Council PAC

The Business Council's Political Action Committee (TBCPAC) has existed since August 1976. Originally named the New York Advantage PAC, it was changed to The Business Council PAC, Inc. on September 23, 2002.

Like all PACs, it can make "hard dollar" contributions to political candidates. It derives the majority of its funds from negative dues checkoffs by Business Council members, which authorize up to \$99 from each member to be transferred to the PAC. Actual PAC levels are determined through The Business Council's annual budget process, with increased levels made available during legislative and gubernatorial election years. In addition, members can make PAC-to-PAC contributions or additional contributions to TBCPAC up to their contribution limits. The Business Council PAC is governed by its own board of directors, which is separate and distinct from The Business Council's board of directors and the Insurance Fund's board of trustees.



Events

As the voice of business and employers in New York State, The Business Council supports businesses by providing essential resources for their success, including producing signature events that inform and engage businesses and employers as well as facilitate networking.

In 2023, The Business Council hosted 10 in-person events, welcoming more than 1,360 attendees and raising more than \$480,000 in revenue.

10
in-person
events

raising more than
\$480,000
in revenue

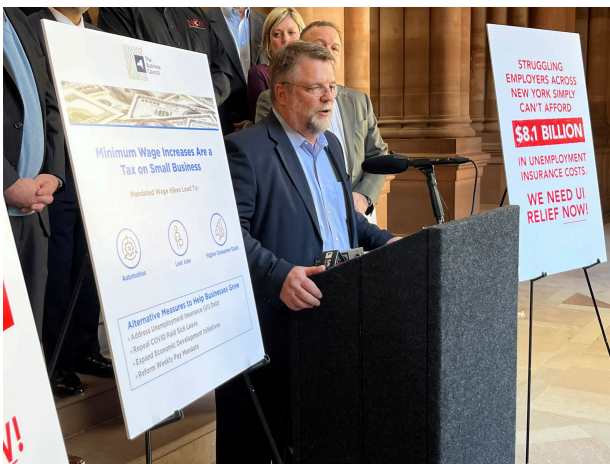


2024 Events



Communications

The Communications Department of The Business Council is responsible for all internal and external communication to the public and the over 3,000 members. The communications staff oversees The Business Council's social media accounts, which in 2023 earned over 200,000 impressions and picked up over 600 new followers. In addition, the Communications Department regularly coordinates media interviews and press events and assists the Events team in marketing and coordinating events.





The Public Policy Institute of New York State, Inc. (PPI)

The Public Policy Institute of New York State, Inc., is a research and educational organization that formulates and promotes public policies that will restore New York's economic competitiveness.

The Institute accomplishes this mission by conducting timely, in-depth research and education campaigns addressing key state policy issues. Founded in 1981 and affiliated with The Business Council of New York State, Inc., The Institute is a non-partisan, tax-exempt, 501 (c) (3) organization. The Institute depends on the support of corporations, individuals, and small businesses for its income and does not accept any government funding.

Business Defense Fund

As the legal arm of The Public Policy Institute of New York State, Inc., the Business Defense Fund will challenge federal, state, and local government regulatory overreach and unconstitutional legislation. The New York Business Defense Fund will work to ensure the legislative climate promotes economic growth for New York businesses.



Business Defense Fund



LEARN MORE



The
Business
Council

The Business Council of New York State, Inc.
www.bcnys.org | 518-465-7511

(REV 02/24)