S T A T E O F N E W Y O R K

4694

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. REILICH, THIELE, FINCH, FITZPATRICK, OAKS, RABBITT -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BALL, BARCLAY, BARRA, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, DUPREY, ERRIGO, GIGLIO, HAWLEY, HAYES, KOLB, P. LOPEZ, McDONOUGH, McKEVITT, MILLER, MOLINARO, O'MARA, QUINN, RAIA, SALADINO, SAYWARD, SCOZZAFAVA, SPANO, TEDISCO, TOBACCO, TOWNSEND -- read once and referred to the Committee on Small Business

AN ACT to direct the department of state to establish an internet list-serve (Part A); to amend the state administrative procedure act, in relation to internet access to the state register (Part B); to amend the executive law, in relation to the governor's office of regulatory reform; to amend the New York state urban development corporation act, in relation to identifying industry sectors that may be attracted to New York state; to amend the economic development law, in relation to designating significant economic development projects; and to repeal certain provisions of the executive law relating to the office of business permits (Part C); to amend the state administrative procedure act, in relation to the transmittal of any rule making notice to the minority leader of the senate and the minority leader of the assembly (Part D); to amend the economic development law, in relation to establishing micro-enterprise education grants; and making an appropriation therefor (Part E); to amend the state finance law, in relation to rules and regulations, payment and the authorization of binding arbitration (Part F); and to amend the state finance law, in relation to establishing the county main street matching grant infrastructure fund and the downtown development initiative grant program fund; to amend the general municipal law, in relation to the New York main street center; and making appropriations therefor (Part G)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD05165-01-9

Section 1. This act enacts into law components of legislation relating to the "Small Business Improvement Act of 2009". Each component is wholly contained within a Part identified as Parts A through G. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. The department of state is hereby directed to establish an internet listserve where individuals can sign-up on-line to receive an electronic notice of any new, revised or emergency rule or regulation proposed in New York. The department of state shall require that any new, revised or emergency rule or regulation proposal be submitted to the department of state by electronic means, and shall provide for Rules Tracker variables, thereby allowing interested persons to receive the updates related to the issues of their concern. The department of state shall provide notice to any individual that may be removed from the listserve or mailing list.

S 2. This act shall take effect immediately.

PART B

Section 1. The state administrative procedure act is amended by adding a new section 105 to read as follows:

S 105. INTERNET ACCESS TO THE STATE REGISTER. THE SECRETARY OF STATE SHALL REQUIRE AGENCY INTERNET HOME PAGES TO MAINTAIN A LINK TO THE STATE REGISTER. THE SECRETARY OF STATE MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.

PART C

Section 1. Article 39 of the executive law is REPEALED and a new article 39 is added to read as follows:

ARTICLE 39
GOVERNOR'S OFFICE OF REGULATORY REFORM

SECTION 875. DEFINITIONS.
876. GOVERNOR'S OFFICE OF REGULATORY REFORM.
877. GENERAL FUNCTIONS, POWERS AND DUTIES.
878. ASSISTANCE OF OTHER STATE AGENCIES.
879. PERMIT INFORMATION.
880. MASTER APPLICATION INFORMATION REQUEST PROCEDURE.
881. PRE-PERMIT APPLICATION CONFERENCES.
882. EXPEDITED PERMIT DETERMINATION PROCESS.
883. PERMIT AUTHORITY RETAINED.
884. REGULATION REVIEW.
885. FEDERAL AND LOCAL GOVERNMENT PARTICIPATION.

S 875. DEFINITIONS. WHEN USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "OFFICE" MEANS THE GOVERNOR'S OFFICE OF REGULATORY REFORM CREATED BY THIS ARTICLE.

2. "DIRECTOR" MEANS THE DIRECTOR OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM.

3. "STATE AGENCY" MEANS ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, OFFICE, COUNCIL, COMMITTEE OR AGENCY OF THE STATE, OR A PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR.

4. "PERMIT" SHALL MEAN THE WHOLE OR PART OF ANY STATE AGENCY PERMIT, LICENSE, CERTIFICATE, APPROVAL, REGISTRATION, CHARTER, OR SIMILAR FORM OF PERMISSION OR AUTHORITY REQUIRED BY LAW OR BY STATE AGENCY RULES HAVING THE FORCE AND EFFECT OF LAW, WHICH IS REQUIRED FOR A BUSINESS UNDERTAKING, PROJECT OR ACTIVITY; PROVIDED, HOWEVER, IT SHALL NOT MEAN INDIVIDUAL LICENSES FOR PRACTICING A PROFESSION PRESCRIBED IN TITLE EIGHT OF THE EDUCATION LAW, FILINGS UNDER THE UNIFORM COMMERCIAL CODE, OR ROUTINE LICENSES AND PERMITS FOR INDIVIDUAL PRIVILEGES, INCLUDING LICENSES FOR OPERATING A MOTOR VEHICLE AND AMATEUR SPORTING LICENSES, SUCH AS FOR HUNTING AND FISHING.

5. "PERSON" MEANS ANY INDIVIDUAL, PROPRIETORSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, SOCIETY, COOPERATIVE, JOINT STOCK CORPORATION, CORPORATION, NONPROFIT ORGANIZATION, JOINT VENTURE, ENTERPRISE, STATE OR LOCAL GOVERNMENT AGENCY, AND ANY OTHER ORGANIZATION OR ENTITY.

6. "APPLICANT" MEANS ANY PERSON ACTING ON HIS OR HER BEHALF OR AUTHORIZED TO ACT ON BEHALF OF ANY OTHER PERSON FOR THE PURPOSE OF SECURING A PERMIT.

7. "RULE" MEANS A RULE AS DEFINED IN SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, INCLUDING RULES OF THE WORKERS' COMPENSATION BOARD, BUT DOES NOT INCLUDE THE RULES OF THE STATE COMPTROLLER OR ATTORNEY GENERAL, RULES REGARDING JURISDICTIONAL CLASSIFICATIONS PURSUANT TO SUBDIVISION ONE OF SECTION SIX OF THE CIVIL SERVICE LAW, AND THE ALTERATION OF HUNTING OR FISHING SEASONS PURSUANT TO ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

8. "SIGNIFICANT ECONOMIC DEVELOPMENT PROJECT" MEANS A BUSINESS PROJECT, INCLUDING A NONPROFIT UNDERTAKING, IN NEW YORK STATE THAT WILL CREATE (A) AT LEAST ONE HUNDRED JOBS, OR (B) AT LEAST FIFTY JOBS IF LOCATED IN A RURAL AREA AS DEFINED BY SUBDIVISION SEVEN OF SECTION FOUR HUNDRED EIGHTY-ONE OF THIS CHAPTER, (C) AT LEAST TWENTY-FIVE JOBS, UPON THE REQUEST OF THE GOVERNING BODY OF THE COUNTY, CITY, TOWN OR VILLAGE IN WHICH THE PROJECT IS TO BE LOCATED, TO BE DETERMINED ON A CASE BY CASE BASIS PURSUANT TO CRITERIA ESTABLISHED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT WHICH CRITERIA MAY INCLUDE WHETHER THE PROJECT WILL BE LOCATED IN AN EMPIRE ZONE, OR (D) A HIGH-TECH INITIATIVE AS DETERMINED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE A PROJECT FUNDED AND OPERATED BY ONE OR MORE COUNTIES, CITIES, TOWNS OR VILLAGES.

S 876. GOVERNOR'S OFFICE OF REGULATORY REFORM. 1. THERE IS HEREBY CREATED IN THE EXECUTIVE DEPARTMENT THE GOVERNOR'S OFFICE OF REGULATORY REFORM. THE HEAD OF THE OFFICE SHALL BE THE DIRECTOR OF REGULATORY REFORM WHO SHALL BE APPOINTED BY THE GOVERNOR AND WHO SHALL HOLD OFFICE AT THE PLEASURE OF THE GOVERNOR.

2. THE DIRECTOR SHALL RECEIVE AN ANNUAL SALARY TO BE FIXED BY THE GOVERNOR WITHIN THE AMOUNT MADE AVAILABLE THEREFOR BY APPROPRIATION AND SHALL BE ALLOWED HIS OR HER ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF HIS OR HER DUTIES.

3. THE DIRECTOR SHALL DIRECT THE WORK OF THE OFFICE AND SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE OFFICE. THE DIRECTOR MAY ENTER INTO CONTRACTS AND EXPEND MONEY, AND APPOINT SUCH OFFICERS AND EMPLOYEES AS HE OR SHE MAY DEEM NECESSARY, PRESCRIBE THEIR DUTIES, FIX THEIR COMPENSATION, AND PROVIDE FOR THE REIMBURSEMENT OF THEIR EXPENSES, ALL WITHIN AMOUNTS MADE AVAILABLE THEREFOR BY APPROPRIATION.

4. THE DIRECTOR SHALL REPORT TO THE GOVERNOR ON THE ACTIVITIES OF THE OFFICE TO ENSURE THEIR CONSISTENCY WITH THE OVERALL POLICIES OF THE STATE.

S 877. GENERAL FUNCTIONS, POWERS AND DUTIES. THE GOVERNOR'S OFFICE OF REGULATORY REFORM, BY AND THROUGH THE DIRECTOR OR HIS OR HER DULY AUTHORIZED OFFICERS AND EMPLOYEES, SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

1. TO PROVIDE COMPREHENSIVE INFORMATION ON PERMITS REQUIRED FOR BUSINESS UNDERTAKINGS, PROJECTS AND ACTIVITIES IN THE STATE, AND TO MAKE SUCH INFORMATION AVAILABLE TO APPLICANTS AND GENERALLY TO ANY PERSON AND POST SUCH INFORMATION ON THE OFFICE'S PUBLIC WEB SITE.

2. TO PROVIDE AN OVERSIGHT, REVIEW AND ANALYSIS OF THE RULES AND REGULATORY PROCESSES OF STATE AGENCIES.

3. TO ASSIST APPLICANTS IN OBTAINING TIMELY AND EFFICIENT PERMIT REVIEW AND THE RESOLUTION OF ISSUES ARISING THEREFROM.

4. TO ENCOURAGE AND FACILITATE THE PARTICIPATION OF FEDERAL AND LOCAL GOVERNMENT AGENCIES IN PERMIT COORDINATION AND REGULATORY REVIEW.

5. TO CONDUCT OR CAUSE TO BE CONDUCTED ON AN ONGOING BASIS A THOROUGH REVIEW OF PERMIT REQUIREMENTS AND THE NEED BY THE STATE TO REQUIRE SUCH PERMITS. THE OFFICE SHALL DRAW, IN SUCH REVIEW, ON ITS DIRECT EXPERIENCE AND ITS STATISTICAL ANALYSES TO MAKE RECOMMENDATIONS FROM TIME TO TIME AND ENCOURAGE APPROPRIATE AGENCIES TO ELIMINATE, CONSOLIDATE, SIMPLIFY, EXPEDITE, OR OTHERWISE IMPROVE PERMITS, PERMIT PROCEDURES, AND PAPERWORK BURDENS AFFECTING BUSINESS AND LOCAL GOVERNMENT UNDERTAKINGS, PROJECTS AND ACTIVITIES. THE OFFICE SHALL PROVIDE SUCH RECOMMENDATIONS TO THE GOVERNOR AND THE APPROPRIATE AGENCIES.

6. TO MONITOR AGENCY COMPLIANCE WITH SECTION TWO HUNDRED SEVEN OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND TO MAKE RECOMMENDATIONS TO SUCH AGENCIES FOR IMPROVING SUCH COMPLIANCE.

7. TO ENTERTAIN REQUESTS FOR AND TO ISSUE ADVISORY OPINIONS REGARDING WHETHER ANY ACTION TAKEN BY AN AGENCY SHOULD BE TAKEN PURSUANT TO A RULE.

8. TO CREATE, MAINTAIN, AND OPERATE, IN COOPERATION WITH THE SECRETARY OF STATE, AN ON-LINE PERMIT ASSISTANCE PROGRAM, WHICH SHALL PROVIDE A SINGLE SOURCE FOR ANY BUSINESS PERMITS REQUIRED BY ANY AGENCY OF THE STATE OF NEW YORK VIA THE INTERNET.

9. THE DIRECTOR, IN COOPERATION WITH THE COMMISSIONER OF ECONOMIC DEVELOPMENT, SHALL ESTABLISH A DEMONSTRATION "511" INFORMATION SERVICE TO PROVIDE SMALL BUSINESSES WITH ONE CONTACT NUMBER TO DIRECT QUESTIONS AND TO PROVIDE ASSISTANCE TO SMALL BUSINESSES LOOKING TO OPEN OR EXPAND IN NEW YORK STATE.

10. TO ADOPT SUCH RULES AND REGULATIONS, PROCEDURES, INSTRUCTIONS, AND FORMS AS ARE NECESSARY OR DESIRABLE TO CARRY OUT THE FUNCTIONS, POWERS, AND DUTIES IMPOSED UPON THE OFFICE BY THIS ARTICLE.

S 878. ASSISTANCE OF OTHER STATE AGENCIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE DIRECTOR MAY REQUEST AND SHALL BE ENTITLED TO RECEIVE FROM ANY STATE AGENCY, AND THE SAME ARE AUTHORIZED TO PROVIDE, SUCH ASSISTANCE, SERVICES, FACILITIES, AND DATA AS WILL ENABLE THE OFFICE TO CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES.

S 879. PERMIT INFORMATION. 1. WITHIN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS ARTICLE, EACH STATE AGENCY REQUIRED TO REVIEW, APPROVE OR GRANT PERMITS FOR BUSINESS UNDERTAKINGS, PROJECTS AND ACTIVITIES SHALL ENSURE THAT THE OFFICE IS IN POSSESSION OF INFORMATION CONCERNING EACH TYPE OF PERMIT ADMINISTERED BY THE STATE AGENCY. THE INFORMATION SHALL INCLUDE APPLICATION FORMS, APPLICABLE AGENCY RULES, ANY FEES AND CHARGES IMPOSED, THE ESTIMATED TIME PERIODS NECESSARY FOR PERMIT APPLICATION CONSIDERATION AND APPROVAL BASED ON EXPERIENCE AND STATUTORY OR REGULATORY REQUIREMENTS, AND SUCH OTHER RELEVANT INFORMATION AS THE OFFICE MAY REQUIRE.

2. EACH STATE AGENCY SHALL UPDATE AS NECESSARY THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND SHALL, WITHIN THIRTY DAYS OF THE CREATION OF ANY NEW OR MODIFIED PERMIT, PROVIDE THE INFORMATION REQUIRED BY SUCH SUBDIVISION FOR SUCH NEW OR MODIFIED PERMIT.

3. THE OFFICE SHALL COMPILE THE INFORMATION ON STATE AGENCY PERMIT REQUIREMENTS RECEIVED PURSUANT TO SUBDIVISIONS ONE AND TWO OF THIS SECTION AND SHALL DEVELOP METHODS FOR ITS MAINTENANCE, REVISION, UPDATING AND READY ACCESS.

4. THE OFFICE SHALL PROVIDE PERMIT INFORMATION TO APPLICANTS BASED ON THE FOREGOING. THE OFFICE MAY PREPARE AND DISTRIBUTE PUBLICATIONS, GUIDES, AND OTHER MATERIALS THAT WILL ASSIST PERMIT APPLICANTS AND EXPLAIN PERMIT REQUIREMENTS AFFECTING BUSINESS UNDERTAKINGS, PROJECTS AND ACTIVITIES, INCLUDING REQUIREMENTS HAVING MULTIPLE PERMIT OR MULTIPLE STATE AGENCY ASPECTS.

5. EACH STATE AGENCY HAVING JURISDICTION OF ANY PERMIT SHALL DESIGNATE ONE OR MORE OFFICERS OR EMPLOYEES KNOWLEDGEABLE ABOUT ITS PERMITTING PROGRAMS TO ACT AS PERMIT LIAISON OFFICER TO COOPERATE WITH THE OFFICE IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

S 880. MASTER APPLICATION INFORMATION REQUEST PROCEDURE. 1. THE OFFICE MAY DEVELOP AND IMPLEMENT A MASTER APPLICATION INFORMATION REQUEST PROCEDURE TO ASSIST WITH IDENTIFYING PERMITS NECESSARY FOR BUSINESS UNDERTAKINGS, PROJECTS AND ACTIVITIES. A MASTER APPLICATION INFORMATION REQUEST SHALL BE MADE IN SUCH FORM AND MANNER AS PRESCRIBED BY THE OFFICE, TO BE DESIGNED PRIMARILY FOR THE CONVENIENCE OF APPLICANTS CONFRONTING REQUIREMENTS FOR MULTIPLE PERMITS FROM ONE OR MORE STATE AGENCIES, AND SHALL PROVIDE FOR CONCISE AND SPECIFIC INFORMATION NECESSARY TO A DETERMINATION OF THOSE PERMITS WHICH ARE OR MAY BE REQUIRED FOR THE UNDERTAKING, PROJECT OR ACTIVITY.

2. THE OFFICE MAY OFFER THE USE OF THE MASTER APPLICATION INFORMATION REQUEST PROCEDURE IN ITS DISCRETION TO ANY PERSON PROPOSING A BUSINESS UNDERTAKING, PROJECT OR ACTIVITY WHICH MAY REQUIRE MULTIPLE PERMITS, WHICH WILL TAKE PLACE IN PHASES OVER AN EXTENDED PERIOD OR WHICH WILL INVOLVE SUBSTANTIAL EXPENSE FOR PREPARING DETAILED PLANS, SPECIFICATIONS AND PERMIT APPLICATIONS. THE OFFICE MAY ASSIST ANY PERSON IN PREPARING A MASTER APPLICATION INFORMATION REQUEST, DESCRIBE THE PROCEDURES INVOLVED, AND PROVIDE SUCH OTHER INFORMATION FROM THE PERMIT INFORMATION FILE AS MAY BE HELPFUL OR NECESSARY.

3. UPON ACCEPTANCE OF A COMPLETE MASTER APPLICATION INFORMATION REQUEST, THE OFFICE SHALL IMMEDIATELY NOTIFY EACH STATE AGENCY HAVING A POSSIBLE INTEREST IN THE PROPOSED BUSINESS UNDERTAKING, PROJECT OR ACTIVITY WITH RESPECT TO PERMITS WHICH ARE OR MAY BE REQUIRED.

4. EACH STATE AGENCY SO NOTIFIED SHALL RESPOND TO THE OFFICE WITHIN FIFTEEN BUSINESS DAYS OF RECEIPT OF THE NOTICE AND SHALL ADVISE THE OFFICE WHETHER ONE OR MORE PERMITS UNDER ITS JURISDICTION ARE OR MAY BE REQUIRED FOR THE BUSINESS UNDERTAKING, PROJECT OR ACTIVITY DESCRIBED IN

THE MASTER APPLICATION INFORMATION REQUEST. THE RESPONSE SHALL SPECIFY THE PERMITS WHICH IN THE OPINION OF THE AGENCY ARE OR MAY BE REQUIRED, INCLUDE ALL NECESSARY APPLICATION FORMS AND INSTRUCTIONS, INDICATE THE FEES TO BE CHARGED, AND IDENTIFY ANY AREAS OF SIGNIFICANT CONCERN AND THE NEED FOR ANY SPECIAL STUDIES OR REVIEWS WHICH MAY AFFECT THE PERMIT DETERMINATION PROCESS.

5. THE OFFICE, FOLLOWING THE FIFTEEN BUSINESS DAY NOTICE AND RESPONSE PERIOD, SHALL PROMPTLY PROVIDE THE PERSON WHO SUBMITTED THE MASTER APPLICATION INFORMATION REQUEST WITH APPLICATION FORMS AND RELATED INFORMATION FOR ALL PERMITS SPECIFIED BY THE INTERESTED STATE AGENCIES AND SHALL ADVISE SUCH PERSON THAT ALL SUCH FORMS SHALL BE COMPLETED AND SUBMITTED TO THE APPROPRIATE STATE AGENCIES.

6. AN APPLICANT MAY WITHDRAW A MASTER APPLICATION INFORMATION REQUEST AT ANY TIME WITHOUT FORFEITURE OF ANY PERMIT APPROVAL APPLIED FOR OR OBTAINED UNDER SUCH APPLICATION REQUEST.

S 881. PRE-PERMIT APPLICATION CONFERENCES. THE OFFICE MAY CONDUCT CONFERENCES IN WHICH THE INTERESTED STATE AGENCIES SHALL PARTICIPATE TO CLARIFY THE NATURE AND SCOPE OF THEIR INTEREST AND PROVIDE GUIDANCE TO A PERMIT APPLICANT IN RELATION TO PERMIT APPLICATION REVIEW PROCESSES AND TO COORDINATE AGENCY ACTIONS AND DATA COMPILATION OR SUBMISSION REGARDING PERMIT REQUIREMENTS. OTHER STATE, FEDERAL AND LOCAL AGENCIES HAVING RESPONSIBILITIES FOR BUSINESS PROMOTION AND REGULATION MAY PARTICIPATE IN ANY SUCH CONFERENCE AT THE DISCRETION OF THE DIRECTOR.

S 882. EXPEDITED PERMIT DETERMINATION PROCESS. 1. THE OFFICE SHALL ESTABLISH A PERMIT ASSISTANCE PROGRAM TO PROVIDE, AT THE REQUEST OF A PERSON PROCEEDING IN ACCORDANCE WITH SECTION EIGHT HUNDRED EIGHTY OF THIS ARTICLE, EXPEDITED PERMIT DETERMINATIONS FOR ANY PROJECT LOCATED IN AN EMPIRE ZONE DESIGNATED PURSUANT TO ARTICLE EIGHTEEN-B OF THE GENERAL MUNICIPAL LAW OR A SIGNIFICANT ECONOMIC DEVELOPMENT PROJECT CERTIFIED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT PURSUANT TO SUBDIVISION FORTY-SEVEN OF SECTION ONE HUNDRED OF THE ECONOMIC DEVELOPMENT LAW. SUCH PERMIT ASSISTANCE PROGRAM SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVIDING ASSISTANCE IN OBTAINING THE PROMPT AND EFFICIENT PROCESSING AND REVIEW OF APPLICATIONS FOR PERMITS REQUIRED FOR EMPIRE ZONE OR CERTIFIED SIGNIFICANT ECONOMIC DEVELOPMENT PROJECTS.

2. IN PROVIDING SUCH PERMIT ASSISTANCE, THE DIRECTOR MAY DESIGNATE OFFICERS OR EMPLOYEES OF THE OFFICE TO ACT AS EXPEDITED PERMIT ASSISTANCE MANAGERS TO COORDINATE THE APPLICATION PROCEDURES OF THE INVOLVED AGENCIES.

3. THE FOLLOWING STATE AGENCIES HAVING JURISDICTION OF ANY PERMITS TO BE ISSUED TO A PROJECT LOCATED IN A DESIGNATED EMPIRE ZONE OR A CERTIFIED SIGNIFICANT ECONOMIC DEVELOPMENT PROJECT SHALL ESTABLISH PROCEDURES TO EXPEDITE PERMIT APPLICATIONS FOR SUCH PROJECTS, AND SHALL FILE SUCH PROCEDURES WITH THE OFFICE NOT LATER THAN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS ARTICLE: THE ADIRONDACK PARK AGENCY, THE DEPARTMENTS OF AGRICULTURE AND MARKETS, EDUCATION, ENVIRONMENTAL CONSERVATION, HEALTH, LABOR, MOTOR VEHICLES, STATE, TRANSPORTATION, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE THRUWAY AUTHORITY AND ANY OTHER STATE AGENCY THAT THE OFFICE MAY PRESCRIBE IN REGULATION AS APPROPRIATE TO EFFECTUATE THE PURPOSES OF THIS SECTION. SUCH PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CRITERIA THE AGENCY USES TO DETERMINE WHEN AN APPLICATION IS COMPLETE AND PROVISIONS THAT REQUIRE THE AGENCY TO WORK WITH SUCH PROJECTS TO ENSURE THAT PERMIT APPLICATIONS ARE COMPLETE WHEN SUBMITTED AND TO COORDINATE ITS APPLICATION REQUIREMENTS AND PROCEDURES WITH THOSE OF OTHER PERMITTING AGENCIES.

4. THE AGENCIES LISTED IN SUBDIVISION THREE OF THIS SECTION OR IN REGULATIONS ADOPTED PURSUANT TO THE AUTHORITY OF SUCH SUBDIVISION SHALL ENDEAVOR TO EXPEDITE FINAL DETERMINATIONS ON PERMIT APPLICATIONS FOR PROJECTS LOCATED IN DESIGNATED EMPIRE ZONES OR CERTIFIED SIGNIFICANT ECONOMIC DEVELOPMENT PROJECTS AND SHALL REPORT TO THE DIRECTOR AT HIS OR HER REQUEST REGARDING THEIR PROGRESS IN CARRYING OUT THE PROVISIONS OF THIS SUBDIVISION.

5. THE DIRECTOR MAY REQUEST AND SHALL RECEIVE THE ASSISTANCE OF ANY STATE AGENCY HAVING JURISDICTION OVER ANY BUSINESS PERMITS TO BE ISSUED TO PROJECTS LOCATED IN DESIGNATED EMPIRE ZONES OR CERTIFIED SIGNIFICANT ECONOMIC DEVELOPMENT PROJECTS IN DESIGNATING AN OFFICER OR EMPLOYEE OF SUCH AGENCY TO COORDINATE AGENCY EFFORTS IN COOPERATION WITH THE OFFICE IN PROVIDING EXPEDITED PERMIT DETERMINATIONS FOR SUCH PROJECTS.

6. AT THE OPTION OF THE GOVERNING BODY OF A COUNTY, CITY, TOWN OR VILLAGE THAT, IN WHOLE OR IN PART, HAS BEEN DESIGNATED AS AN EMPIRE ZONE IN WHICH A PROJECT IS TO BE LOCATED OR IN WHICH A CERTIFIED SIGNIFICANT ECONOMIC DEVELOPMENT PROJECT IS TO BE LOCATED, THE OFFICE MAY ENTER INTO AN AGREEMENT TO ALLOW SOME OR ALL LOCAL PERMITS TO BE INCLUDED IN THE EXPEDITED DETERMINATION PROCESS.

7. ANY APPLICATION, REQUEST, COMMUNICATION OR NOTIFICATION REQUIRED BY THIS SECTION TO BE MADE IN WRITING MAY, NOTWITHSTANDING SUCH REQUIREMENT, BE MADE BY ELECTRONIC OR OTHER NON-PAPER METHODS AS LONG AS SUCH METHOD HAS BEEN MUTUALLY AGREED TO BY THE APPLICANT AND THE PERMITTING AGENCY.

S 883. PERMIT AUTHORITY RETAINED. EACH STATE AGENCY HAVING JURISDICTION TO APPROVE OR DENY A PERMIT SHALL CONTINUE TO HAVE THE POWER HERETOFORE OR HEREAFTER VESTED IN IT TO MAKE SUCH DETERMINATIONS. THE PROVISIONS OF THIS ARTICLE SHALL NOT LESSEN OR REDUCE SUCH POWERS AND SHALL MODIFY THE PROCEDURES FOLLOWED IN CARRYING OUT SUCH POWERS ONLY TO THE EXTENT PROVIDED HEREIN.

S 884. REGULATION REVIEW. 1. IN DEVELOPING A RULE, EACH AGENCY HEAD SHALL, PRIOR TO SUBMITTING A NOTICE OF PROPOSED OR REVISED RULEMAKING FOR PUBLICATION IN THE STATE REGISTER PURSUANT TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SUBMIT TO THE DIRECTOR, IN SUCH FORM AND MANNER AS THE DIRECTOR MAY PRESCRIBE, THE COMPLETE TEXT OF THE RULE, ANY IMPACT STATEMENTS WHICH WOULD BE REQUIRED BY ARTICLE TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT TO PROPOSE THE RULE, AND ANY COST-BENEFIT ANALYSIS, RISK ASSESSMENT AND/OR THE RESULTS OF A NEGOTIATED RULEMAKING OR POLICY DIALOGUE UNDERTAKEN IN CONJUNCTION WITH THE DEVELOPMENT OF THE RULE.

2. THE DIRECTOR SHALL REVIEW THE AGENCY'S SUBMISSION TO DETERMINE WHETHER IT IS COMPLETE AND IN ACCORDANCE WITH THE GOALS, CRITERIA AND REQUIREMENTS OF THIS ARTICLE AND ARTICLE TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT, INCLUDING WHETHER THE RULE:

(A) IS CLEARLY WITHIN THE AUTHORITY DELEGATED BY LAW;

(B) IS CONSISTENT WITH AND NECESSARY TO ACHIEVE A SPECIFIC LEGISLATIVE PURPOSE;

(C) IS CLEARLY WRITTEN SO THAT ITS MEANING WILL BE EASILY UNDERSTOOD BY THOSE PERSONS AFFECTED BY IT;

(D) DOES NOT UNNECESSARILY DUPLICATE OR EXCEED EXISTING FEDERAL OR STATE STATUTES OR RULES;

(E) IS CONSISTENT WITH EXISTING STATE STATUTES AND RULES;

(F) IS CONSISTENT WITH STATE STATUTORY REQUIREMENTS AND WILL PRODUCE PUBLIC BENEFITS WHICH WILL OUTWEIGH THE COSTS, IF ANY, IMPOSED ON AFFECTED PARTIES;

(G) DOES NOT IMPOSE A MANDATE ON LOCAL GOVERNMENTS OR SCHOOL DISTRICTS THAT IS NOT FULLY FUNDED, EXCEPT AS SPECIFICALLY REQUIRED BY STATE STATUTE;

(H) PRESCRIBES METHODOLOGIES OR REQUIREMENTS THAT ALLOW REGULATED PARTIES FLEXIBILITY AND ENCOURAGE INNOVATION IN MEETING THE LEGISLATIVE OR ADMINISTRATIVE REQUIREMENTS AND OBJECTIVES UNDERLYING THE RULE;

(I) IS BASED ON CREDIBLE ASSESSMENTS, USING RECOGNIZED STANDARDS, OF THE DEGREE AND NATURE OF THE RISKS WHICH MAY BE REGULATED, INCLUDING A COMPARISON WITH EVERYDAY RISKS FAMILIAR TO THE PUBLIC;

(J) GIVES PREFERENCE TO THE LEAST COSTLY, LEAST BURDENSOME REGULATORY AND PAPERWORK REQUIREMENTS NEEDED TO ACCOMPLISH LEGISLATIVE AND ADMINISTRATIVE OBJECTIVES;

(K) IS BASED UPON THE BEST SCIENTIFIC, TECHNICAL AND ECONOMIC INFORMATION THAT CAN REASONABLY AND AFFORDABLY BE OBTAINED; AND

(1) IF POSSIBLE AND PRACTICAL, FAVORS MARKET-ORIENTED SOLUTIONS AND PERFORMANCE STANDARDS OVER COMMAND-AND-CONTROL REGULATION.

3. IF THE DIRECTOR DETERMINES THAT THE SUBMISSION IS COMPLETE AND COMPLIES WITH THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, THE DIRECTOR SHALL AUTHORIZE THE AGENCY TO SUBMIT THE RULEMAKING FOR PUBLICATION IN THE STATE REGISTER PURSUANT TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT.

4. IF THE DIRECTOR DETERMINES THE SUBMISSION IS NOT COMPLETE OR DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION, THE DIRECTOR MAY RETURN IT TO THE AGENCY, TOGETHER WITH ANY DIRECTION THAT THE AGENCY AMEND, PREPARE OR REVISE THE RULE, ANY SUPPORTING IMPACT STATEMENTS, COST BENEFIT ANALYSIS, RISK ASSESSMENT, AND/OR UNDERTAKE A NEGOTIATED RULEMAKING OR POLICY DIALOGUE TO DEVELOP A RULE FOR PROPOSAL. THE OFFICE MAY ASSIST THE AGENCY IN DEVELOPING A PROPOSAL THAT MEETS THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION.

5. AN AGENCY MAY CONSULT INFORMALLY WITH THE OFFICE REGARDING PROPOSED RULES, SUPPORTING IMPACT STATEMENTS, AND OTHER DOCUMENTS AT ANY TIME PRIOR TO THE SUBMISSION OF SUCH MATERIALS PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH INFORMAL CONSULTATION SHALL NOT BE BINDING ON THE OFFICE OR THE AGENCY.

6. THE DIRECTOR, IN HIS OR HER SOLE DISCRETION, MAY EXCLUDE A PARTICULAR RULE OR CATEGORY OF RULES, AT THE OFFICE'S INITIATIVE OR AT THE REQUEST OF AN AGENCY, FROM ALL OR PART OF THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION BASED ON A DETERMINATION BY THE OFFICE THAT THE APPLICATION OF THE REQUIREMENTS OF SUCH SECTION TO SUCH RULE OR CATEGORY OF RULES LACKS A SUBSTANTIAL PUBLIC BENEFIT. THE OFFICE MAY REVOKE, MODIFY OR LIMIT SUCH EXEMPTION AT ANY TIME BASED ON THE OFFICE'S DETERMINATION THAT, DUE TO A CHANGE OF CIRCUMSTANCES OR NEW INFORMATION, SUCH EXEMPTION IS NOT CONSISTENT WITH THE PURPOSES OF THIS ARTICLE. THE OFFICE SHALL PROMPTLY NOTIFY THE AGENCY OF ANY SUCH DETERMINATION OR REVOCATION.

S 885. FEDERAL AND LOCAL GOVERNMENT PARTICIPATION. 1. FEDERAL AND LOCAL GOVERNMENT REGULATORY AND PERMIT AGENCIES SHALL BE ENCOURAGED TO PARTICIPATE IN THE BUSINESS PERMIT INFORMATION, COORDINATION, AND ASSISTANCE SERVICES OF THE OFFICE AND TO MAKE INFORMATION AVAILABLE TO APPLICANTS AND INTERESTED PERSONS THROUGH THE OFFICE WITH RESPECT TO ANY BUSINESS UNDERTAKING, PROJECT, OR ACTIVITY WHICH IS REFERRED TO THE OFFICE UNDER THE PROVISIONS OF THIS ARTICLE.

2. THE DIRECTOR SHALL CONSULT WITH LOCAL GOVERNMENT OFFICIALS WITH RESPECT TO COOPERATION IN COORDINATING STATE AND LOCAL PERMIT APPLICATION AND REVIEW PROCEDURES AND SHALL RECOMMEND TO THE GOVERNOR AND THE LEGISLATURE ANY ACTIONS THAT WOULD FACILITATE SUCH COORDINATION.

S 2. Section 5 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new subdivision 31 to read as follows:

(31) TO IDENTIFY INDUSTRY SECTORS THAT MAY BE ATTRACTED TO THE STATE, PROVIDE CONSULTING AND MARKETING ASSISTANCE, DEVELOP ENVIRONMENTAL STUDIES AND ANALYSES, AND, WITHIN AVAILABLE APPROPRIATIONS, TO REIMBURSE SOME OR ALL OF THE EXPENSES INCURRED BY INTERIM SPONSORS TO PRE-QUALIFY SITES FOR SUCH INDUSTRY SECTORS. SUCH ASSISTANCE MAY BE MADE AVAILABLE TO ELIGIBLE APPLICANTS SUCH AS LOCAL GOVERNMENTS, INDUSTRIAL DEVELOPMENT AGENCIES AND AUTHORITIES, AND OTHER GOVERNMENT OR NONPROFIT ENTITIES THAT AGREE TO ACT AS INTERIM SPONSORS IN READYING ELIGIBLE SITES FOR DEVELOPMENT, SUBJECT TO CRITERIA SET FORTH IN SUCH RULES AND REGULATIONS AS MAY BE PROMULGATED BY THE CORPORATION FOR THE PROGRAM, INCLUDING RULES FOR THE UNIFORM TRANSFER OF PERMITS, DETERMINATIONS AND APPROVALS TO COMPANIES LOCATING AT PRE-QUALIFIED SITES BY STATE AND LOCAL GOVERNMENTS AND INTERIM SPONSORS OF SITES, WHICH RULES SHALL BE CONSISTENT WITH THE INTENT OF ARTICLE 70 OF THE ENVIRONMENTAL CONSERVATION LAW. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, THE RULES PROMULGATED PURSUANT TO THIS SUBDIVISION MAY PROVIDE THAT A LOCAL GOVERNMENT, INDUSTRIAL DEVELOPMENT AGENCY OR AUTHORITY, OR OTHER GOVERNMENT OR NONPROFIT ENTITY ACTING AS AN INTERIM SPONSOR TO READY AN ELIGIBLE SITE FOR DEVELOPMENT SHALL NOT BE RESPONSIBLE FOR THE PAYMENT OF FEES OTHERWISE REQUIRED IN CONNECTION WITH THE ISSUANCE OF ANY STATE PERMIT WHICH IS INTENDED TO BE TRANSFERRED BY THE INTERIM SPONSOR TO A COMPANY LOCATING AT A PRE-QUALIFIED SITE.

S 3. Subdivision 47 of section 100 of the economic development law, as renumbered by chapter 427 of the laws of 2008, is renumbered subdivision 48 and a new subdivision 47 is added to read as follows:

47. TO DESIGNATE, PURSUANT TO CRITERIA ESTABLISHED BY THE DIRECTOR, SIGNIFICANT ECONOMIC DEVELOPMENT PROJECTS AS DEFINED IN SUBDIVISION EIGHT OF SECTION EIGHT HUNDRED SEVENTY-FIVE OF THE EXECUTIVE LAW.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to rules and revised rules to be submitted for publication in the state register on and after such date, provided, however, that nothing in this act shall be construed to affect the provisions of any existing requirement for the submittal of rules to the governor's office of regulatory reform in effect on the date this act shall have become a law.

PART D

Section 1. Paragraph (a) of subdivision 6-a of section 202 of the state administrative procedure act, as amended by chapter 171 of the laws of 1994, is amended to read as follows:

(a) An agency shall transmit a copy of any rule making notice prepared pursuant to this article to the governor, the temporary president of the senate, the speaker of the assembly, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, the administrative regulations review commission and the office of regulatory and management assistance at the time such notice is submitted to the secretary of state for publication in the state register. Such transmittal shall include the complete rule text, regulatory impact statement, regulatory flexibility analysis, rural area flexibility analysis, or revisions thereof, and any other information submitted to the secretary of state pursuant to this article.

S 2. This act shall take effect immediately.

PART E

Section 1. The economic development law is amended by adding a new section 139 to read as follows:

S 139. MICRO-ENTERPRISE EDUCATION GRANTS. 1. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH A MICRO-ENTERPRISE EDUCATION GRANT PROGRAM WITHIN NEW YORK STATE. THE PURPOSE OF THE PROGRAM IS TO PROVIDE FULL TUITION REIMBURSEMENT TO MICRO-ENTERPRISE BUSINESS OWNERS AND THEIR QUALIFIED EMPLOYEES, AT EITHER A SUNY COLLEGE OR LOCAL COMMUNITY COLLEGE. QUALIFIED BUSINESS COURSES SHALL INCLUDE THOSE COURSES NECESSARY FOR THE SUCCESSFUL SUPPORT AND OPERATION OF A MICRO-ENTERPRISE BUSINESS. ALL QUALIFYING EDUCATIONAL INSTITUTIONS SHALL FILE WITH THE DEPARTMENT AN OVERVIEW OF COURSES THAT SUCH INSTITUTION DETERMINES TO BE ESSENTIAL TO SUCH STUDIES. THE DEPARTMENT SHALL REVIEW SUCH DOCUMENTATION AND MAKE A DETERMINATION OF THE COURSE OF STUDIES THAT QUALIFY FOR REIMBURSEMENT.

2. THE COMMISSIONER SHALL PROMULGATE REGULATIONS AND REQUIREMENTS FOR THE ESTABLISHMENT OF THE MICRO-ENTERPRISE EDUCATION GRANT PROGRAM. BUSINESS OWNERS SHALL APPLY FOR SUCH FUNDS THAT MAY BE AVAILABLE, PROVIDING THAT THE OWNER OR EMPLOYEE HAS SUCCESSFULLY COMPLETED THE COURSE. EACH BUSINESS SHALL BE ELIGIBLE FOR A MAXIMUM OF FIFTEEN CREDIT HOURS.

3. ON OR BEFORE EACH ONE YEAR ANNIVERSARY OF THE GRANT PROGRAM'S INCEPTION, THE COMMISSIONER SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE CONCERNING THE PROGRAMS ESTABLISHED IN THIS SECTION AND SHALL PROVIDE AN EVALUATION AS TO THE EFFECTIVENESS OF THE PROGRAM IN MEETING THE PURPOSES FOR WHICH IT WAS ESTABLISHED. SUCH REPORT SHALL ALSO RECOMMEND WHETHER THE PROGRAM SHOULD BE EXPANDED AND SHALL ESTIMATE THE FINANCIAL COST OF ANY SUCH EXPANSION.

S 2. The sum of two hundred twenty-five thousand dollars ($225,000), or so much thereof as may be necessary, is hereby appropriated to the department of economic development from any moneys in the state treasury in the general fund not otherwise appropriated for services and expenses; including the expenses of the department of economic development, for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of economic development, or his or her duly designated representative in the manner provided by law. Not more than fifteen percent of the moneys hereby appropriated may be expended for the costs of the department of economic development.

S 3. This act shall take effect immediately.

PART F

Section 1. Subdivision 14 of section 163 of the state finance law is renumbered subdivision 17 and three new subdivisions 14, 15 and 16 are added to read as follows:

14. RULES AND REGULATIONS. CONSISTENT WITH THE PROVISIONS OF THIS SECTION, THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO PROVIDE THAT AT LEAST FIFTEEN PERCENT OF CONTRACTS PROCURED FOR SERVICES AND COMMODITIES BE GRANTED TO A SMALL BUSINESS, AS DEFINED IN THIS ARTICLE. NOTHING IN THIS SUBDIVISION SHALL, HOWEVER, REQUIRE THE AWARDING OF A CONTRACT TO A SMALL BUSINESS THAT FAILS TO MEET THE MINIMUM QUALIFICATIONS SET FORTH IN THE STATE PROCUREMENT COUNCIL GUIDELINES.

15. PAYMENT. CONSISTENT WITH THE PROVISIONS OF THIS SECTION, THE COMMISSIONER SHALL REQUIRE PAYMENT FOR ANY CONTRACT FOR SERVICES AND COMMODITIES PROVIDED BY A SMALL BUSINESS, AS DEFINED IN THIS ARTICLE, TO BECOME DUE WITHIN THIRTY DAYS OF THE COMPLETION OF THE CONTRACT REQUIREMENTS.

16. BINDING ARBITRATION AUTHORIZED. AUTHORITY IS GRANTED TO THE COMMISSIONER TO DIRECT THAT DISPUTES CONCERNING CONTRACTS AWARDED TO SMALL BUSINESSES PURSUANT TO SUBDIVISION FOURTEEN OF THIS SECTION MAY BE RESOLVED BY SUBMISSION TO BINDING ARBITRATION.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the commissioner of general services shall promulgate any rules and regulations necessary for the timely implementation of this act on its effective date; and provided further that the amendments to section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART G

Section 1. The state finance law is amended by adding two new sections 97-jjjj and 97-kkkk to read as follows:

S 97-JJJJ. COUNTY MAIN STREET MATCHING GRANT INFRASTRUCTURE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE COUNTY MAIN STREET MATCHING GRANT INFRASTRUCTURE FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL OTHER MONEYS CREDITED OR TRANSFERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS REQUIRED BY THE PROVISIONS OF THIS SECTION OR ANY OTHER LAW TO BE PAID INTO OR CREDITED TO SUCH FUND, AND ALL MONEYS RECEIVED BY THE FUND OR DONATED TO IT.

3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLOCATION TO THE URBAN DEVELOPMENT CORPORATION FOR PURPOSES OF FUNDING THE COUNTY MAIN STREET GRANT PROGRAM.

4. MONEYS SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

S 97-KKKK. DOWNTOWN DEVELOPMENT INITIATIVE GRANT PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE DOWNTOWN DEVELOPMENT INITIATIVE GRANT PROGRAM FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED FOR THE PURPOSE OF SUCH FUND, ALL OTHER MONEYS CREDITED OR TRANSFERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS REQUIRED BY THE PROVISIONS OF THIS SECTION OR ANY OTHER LAW TO BE PAID INTO OR CREDITED TO SUCH FUND, AND ALL MONEYS RECEIVED BY THE FUND OR DONATED TO IT.

3. MONEYS OF SUCH FUND SHALL BE AVAILABLE FOR APPROPRIATION AND ALLOCATION TO THE URBAN DEVELOPMENT CORPORATION, TO BE TRANSFERRED TO ELIGIBLE MAIN STREET COMMUNITIES BY THE STATE MAIN STREET CENTER ESTABLISHED PURSUANT TO ARTICLE EIGHTEEN-D OF THE GENERAL MUNICIPAL LAW.

4. MONEYS SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF ECONOMIC DEVELOPMENT.

S 2. The general municipal law is amended by adding a new article 18-D to read as follows:

ARTICLE 18-D
NEW YORK MAIN STREET CENTER

SECTION 971-A. SHORT TITLE.
971-B. LEGISLATIVE FINDINGS AND DECLARATION.
971-C. APPLICATION FOR COUNTY MAIN STREET MATCHING GRANTS.
971-D. APPLICATION FOR DOWNTOWN DEVELOPMENT INITIATIVE GRANTS.
971-E. RESPONSIBILITIES OF THE COMMISSIONER.

S 971-A. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK MAIN STREET CENTER".

S 971-B. LEGISLATIVE FINDINGS AND DECLARATION. (A) LOCAL MAIN STREET AND DOWNTOWN BUSINESS ASSOCIATIONS CURRENTLY ARE WITHOUT THE ASSISTANCE OF A STATE CENTER. A STATE MAIN STREET CENTER WOULD HELP COORDINATE THE MANY SERVICES AND FUNDING LEVERAGE CHALLENGES THAT MAIN STREETS FACE.

(B) THE NEW YORK MAIN STREET CENTER SHALL BE ADMINISTERED BY THE URBAN DEVELOPMENT CORPORATION AND LOCATED WITHIN THE ALBANY OFFICE OF THE URBAN DEVELOPMENT CENTER.

(C) THE STATE CENTER SHALL ADMINISTER A STATEWIDE PROGRAM TO CREATE MAIN STREET CENTERS IN EACH OF THE COUNTIES IN NEW YORK STATE, WITH THE EXCEPTION OF THE FIVE BOROUGHS OF NEW YORK CITY.

(D) EACH COUNTY MAIN STREET CENTER SHALL BE ELIGIBLE TO RECEIVE A MATCHING GRANT OF UP TO ONE HUNDRED THOUSAND DOLLARS TOWARD THE CREATION OF THE COUNTY CENTER IF THE COUNTY DESIGNATES THE EQUIVALENT OF A FULLTIME EMPLOYEE TO THE MAIN STREET DEVELOPMENT EFFORT. THE GRANTS MAY BE USED FOR FACADE RENOVATION AND INTERIOR REHABILITATION.

(E) THE STATE CENTER SHALL HOUSE A COMPREHENSIVE LIBRARY OF MAIN STREET PUBLICATIONS AVAILABLE TO BE LOANED.

(F) THE STATE CENTER SHALL DEVELOP A CENTRAL DATABASE OF ALL STATE AND FEDERAL GRANT RESOURCES. THE STATE CENTER SHALL ASSIST LOCALITIES IN IDENTIFYING POTENTIAL SOURCES OF FUNDING AND PROVIDE TECHNICAL ASSISTANCE REGARDING GRANT PROCUREMENT.

(G) THE STATE CENTER SHALL DEVELOP GUIDELINES TO ASSIST LOCALITIES IN ENSURING THAT FACADE RENOVATIONS ARE DONE IN A MANNER THAT RESPECTS THE ARCHITECTURE OF THE BUILDING TO BE RENOVATED AND HELPS TO ENHANCE THE HISTORIC INTEGRITY OF THE MAIN STREET DISTRICT.

(H) MAIN STREETS, AS DEFINED BY THE STATE CENTER, SHALL BE ELIGIBLE FOR DOWNTOWN DEVELOPMENT INITIATIVE GRANTS FOR RENOVATIONS, FACADE IMPROVEMENTS, LIGHTING, SIDEWALKS, LANDSCAPING, AND GENERAL BEAUTIFICATION PROJECTS.

S 971-C. APPLICATION FOR COUNTY MAIN STREET MATCHING GRANTS. APPLICANTS SHALL SUBMIT PROPOSED PROJECTS FOR MATCHING GRANTS, INCLUDING FACADE AND RENOVATION PROJECTS, TO THE DIRECTOR OF THE STATE MAIN STREET CENTER FOR APPROVAL.

S 971-D. APPLICATION FOR DOWNTOWN DEVELOPMENT INITIATIVE GRANTS. APPLICANTS SHALL SUBMIT PROPOSED PROJECTS FOR DOWNTOWN DEVELOPMENT INITIATIVE GRANTS, TO THE DIRECTOR OF THE STATE MAIN STREET CENTER FOR APPROVAL.

S 971-E. RESPONSIBILITIES OF THE COMMISSIONER. (A) THE COMMISSIONER OF ECONOMIC DEVELOPMENT SHALL CREATE A STATE MAIN STREET CENTER AND APPOINT A DIRECTOR AND APPROPRIATE STAFF AND BE RESPONSIBLE FOR THE IMPLEMENTATION OF THE COUNTY MAIN STREET CENTERS.

(B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE APPLICATION OF GRANT MONEY FROM THE COUNTY MAIN STREET MATCHING GRANT INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW, AND THE DOWNTOWN DEVELOPMENT INITIATIVE GRANT PROGRAM FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW.

S 3. The sum of five million seven hundred thousand dollars ($5,700,000), or so much thereof as may be necessary, is hereby appro-

priated to the urban development corporation from the local assistance account of the general fund to the credit of the county main street matching grant infrastructure fund, for implementation of county main street centers. Such monies shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of economic development in the manner provided by law.

S 4. The sum of five million dollars ($5,000,000), or so much thereof as may be necessary, is hereby appropriated to the urban development corporation from the local assistance account of the general fund to the credit of the downtown development initiative grant program fund to be used for the revitalization of main streets in all New York counties with the exception of the five boroughs of New York city. Such monies shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of economic development in the manner provided by law.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through G of this act shall be as specifically set forth in the last section of such Parts.