

1643

2011-2012 Regular Sessions

I N S E N A T E

January 11, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to providing matching funds for eligible applicants in the Hudson Valley agricultural regional marketing program

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

1 Section 1. The economic development law is amended by adding a new
2 article 15 to read as follows:

3 ARTICLE 15

4 HUDSON VALLEY AGRICULTURAL REGIONAL MARKETING PROGRAM

5 SECTION 280. DEFINITIONS.

6 281. MATCHING FUNDS FOR ELIGIBLE APPLICANTS.

7 282. APPLICATION PROCESS.

8 283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS.

9 284. REPORTING REQUIREMENTS.

10 S 280. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS A DIFFERENT MEAN-
11 ING APPEARS FROM THE CONTEXT, THE FOLLOWING WORDS AND TERMS SHALL HAVE
12 THE FOLLOWING MEANINGS:

13 1. "ELIGIBLE APPLICANT" MEANS ANY NOT-FOR-PROFIT CORPORATION OR OTHER
14 NONPROFIT ORGANIZATION, ASSOCIATION, OR AGENCY THAT IS DESIGNATED BY
15 RESOLUTION OF THE SEVERAL COUNTY LEGISLATURES OR OTHER GOVERNING BODIES
16 OF COUNTIES WITHIN THE HUDSON VALLEY REGION OF THE STATE, AS AN AGENCY
17 AUTHORIZED TO MAKE APPLICATION FOR AND RECEIVE GRANTS FOR THE PURPOSES
18 SPECIFIED IN THIS ARTICLE.

19 2. "RECOGNIZED ADVERTISING" MEANS MEDIA ADVERTISING AND PROMOTIONAL
20 MATERIALS TO BE BROADCAST, DISSEMINATED, OR OTHERWISE DISTRIBUTED IN
21 ACCORDANCE WITH A PLAN APPROVED BY THE COMMISSIONER.

22 3. "REGION" MEANS THE HUDSON VALLEY REGION OF THE STATE, AS DETERMINED
23 BY THE COMMISSIONER.

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

LBD05557-01-1

1 4. "REGIONAL MARKETING PROGRAM" MEANS THE USE OF MEDIA ADVERTISING AND
2 PROMOTIONAL MATERIALS FOR PURPOSES OF MARKETING AGRICULTURAL PRODUCTS OF
3 THE REGION.

4 5. "STRATEGIC ALLIANCE" MEANS AN INFORMAL OR FORMAL ASSOCIATION OF
5 AGRICULTURAL PRODUCERS ESTABLISHED FOR THE PURPOSE OF SOLVING COMMON
6 PROBLEMS AND ENGAGING IN COOPERATIVE ACTIVITIES AND THAT IS CONSIDERED
7 TO BE CRITICAL TO THE AGRICULTURAL ECONOMY OF THE REGION.

8 S 281. MATCHING FUNDS FOR ELIGIBLE APPLICANTS. 1. THE COMMISSIONER, IN
9 FURTHERANCE OF THE OBJECTIVES OF THE REGIONAL AGRICULTURAL MARKETING
10 PROGRAM, IS AUTHORIZED TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS
11 FOR THE PURPOSE OF IMPLEMENTATION OF THE REGIONAL MARKETING PROGRAM AS
12 DEFINED IN SUBDIVISION FOUR OF SECTION TWO HUNDRED EIGHTY OF THIS ARTI-
13 CLE; PROVIDED, HOWEVER, THAT:

14 (A) NO SUCH MATCHING FUNDS SHALL EXCEED THE SUM OF FIVE HUNDRED THOU-
15 SAND DOLLARS OR FIFTY PERCENT OF THE TOTAL COST OF IMPLEMENTATION OF THE
16 REGIONAL MARKETING PLAN, WHICHEVER IS LESS;

17 (B) NO SUCH MATCHING FUNDS SHALL BE USED FOR ADMINISTRATIVE COSTS,
18 INCLUDING SALARIES, ASSOCIATED WITH THE IMPLEMENTATION OF THE REGIONAL
19 AGRICULTURAL MARKETING PLAN;

20 (C) NO SUCH MATCHING FUNDS SHALL BE USED FOR THE DIRECT BENEFIT OF A
21 FOR-PROFIT AGRICULTURAL PRODUCER OR MARKETER UNLESS SUCH EXPENDITURE
22 SHALL FURTHER A PUBLIC PURPOSE AND HAVE A CLEAR, LONG-TERM BENEFIT TO
23 THE REGIONAL AGRICULTURAL ECONOMY.

24 2. THE COMMISSIONER IS AUTHORIZED TO MATCH FUNDS EXPENDED BY AN ELIGI-
25 BLE APPLICANT IF THE ELIGIBLE APPLICANT REPRESENTS ONE OR MORE COUNTIES,
26 BUT FEWER THAN EACH OF THE SEVERAL COUNTIES, IN THE STATE ECONOMIC
27 DEVELOPMENT REGION.

28 S 282. APPLICATION PROCESS. 1. THE COMMISSIONER, UPON INVESTIGATION
29 AND RECEIPT OF CERTIFIED COPIES OF SUCH RESOLUTIONS AS MAY BE NECESSARY
30 TO SATISFY HIM OR HER THAT AN ELIGIBLE APPLICANT HAS BEEN DULY DESIG-
31 NATED TO REPRESENT THE REGION, SHALL RECOGNIZE SUCH ELIGIBLE APPLICANT
32 AS THE SOLE SUCH APPLICANT WITHIN THE REGION. IN THE EVENT THAT EACH OF
33 THE SEVERAL COUNTIES WITHIN THE REGION IS UNABLE OR UNWILLING TO DESIG-
34 NATE A SINGLE APPLICANT TO REPRESENT THE REGION, OR IS UNABLE OR UNWILL-
35 ING TO ENCUMBER FUNDS PURSUANT TO SECTION TWO HUNDRED EIGHTY-THREE OF
36 THIS ARTICLE, ONE OR MORE COUNTIES WITHIN THE REGION MAY DESIGNATE AN
37 ELIGIBLE APPLICANT TO REPRESENT THE REGION. IN REVIEWING SUCH APPLICA-
38 TIONS, THE COMMISSIONER MAY SELECT FROM AMONG COMPETING OR OVERLAPPING
39 APPLICATIONS THE APPLICATION THAT THE COMMISSIONER CONSIDERS TO BE OF
40 GREATER BENEFIT TO THE REGION AND THE WELFARE OF THE PEOPLE OF THE
41 STATE.

42 2. THE COMMISSIONER IS AUTHORIZED TO ACCEPT AND SET REASONABLE DEAD-
43 LINES FOR THE SUBMISSION OF APPLICATIONS FOR EACH FISCAL YEAR COVERED BY
44 APPROPRIATIONS IN ORDER TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS
45 FOR THE PURPOSE OF THE IMPLEMENTATION OF THE REGIONAL MARKETING PROGRAM.
46 IN REVIEWING AND SELECTING APPLICATIONS FROM ELIGIBLE APPLICANTS FOR
47 ASSISTANCE UNDER THIS PROGRAM, THE COMMISSIONER SHALL ENSURE THAT EACH
48 APPLICATION FOR SUCH FUNDS SHALL HAVE THEREIN SET FORTH THE SCHEDULE,
49 BUDGET, SCOPE, AND THEME OF THE PROPOSED REGIONAL AGRICULTURAL MARKETING
50 PROGRAM TO BE UNDERTAKEN FOR THE PURPOSE OF ENCOURAGING AND STIMULATING
51 AGRICULTURAL MARKETING WITHIN THE REGION OF THE STATE.

52 3. NOTHING SHALL LIMIT AN ELIGIBLE APPLICANT FROM CREATING A REGIONAL
53 AGRICULTURAL MARKETING PROGRAM WITH ANOTHER STATE, TERRITORY, PROTECTOR-
54 ATE, DEPENDENCY, OR COUNTRY.

55 S 283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS. 1. UPON SUBMISSION
56 AND APPROVAL OF EACH APPLICATION AND THE AUTHORIZATION OF FUNDS BY THE

1 COMMISSIONER IN ACCORDANCE THEREWITH, THE COMMISSIONER SHALL GIVE NOTICE
2 TO THE ELIGIBLE APPLICANT OF SUCH APPROVAL AND AUTHORIZATION AND SHALL
3 DIRECT SUCH ELIGIBLE APPLICANT TO PROCEED WITH ITS PROPOSED AGRICULTURAL
4 MARKETING PROGRAM AS DESCRIBED IN ITS APPLICATION. UPON THE FURNISHING
5 OF SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE SEVERAL COUNTY
6 LEGISLATURES OR OTHER GOVERNING BODIES OF THE COUNTIES IDENTIFIED IN THE
7 APPLICATION HAVE ENCUMBERED FUNDS IN THE AMOUNT COMMITTED AND APPROVED
8 BY THE COMMISSIONER, THE STATE MATCHING FUNDS ALLOCATED TO SUCH ELIGIBLE
9 APPLICANT SHALL BE PAID, FROM THE FUNDS APPROPRIATED FOR SUCH PURPOSE,
10 PURSUANT TO THIS ARTICLE. ANY STATE FUNDS SO PAID MAY BE EXPENDED ONLY
11 ON A MATCHING BASIS AND ONLY WITHIN TWELVE MONTHS OF SUCH PAYMENT,
12 UNLESS AN EXTENSION OF TIME HAS BEEN REQUESTED AND, UPON SHOWING OF GOOD
13 CAUSE, GRANTED BY THE COMMISSIONER.

14 2. NO ADVERTISING OR MARKETING FUNDED FOR THE PURPOSES OF THIS ARTICLE
15 SHALL CONTAIN REFERENCE TO OR THE NAME OF ANY PUBLIC OFFICIAL OF THE
16 STATE OF NEW YORK OR ITS POLITICAL SUBDIVISIONS. "REFERENCE" INCLUDES
17 BUT IS NOT LIMITED TO PHOTOGRAPHS, DRAWINGS, CARICATURES, QUOTATIONS,
18 INVITATIONS, SIGNATURES, ENDORSEMENTS, OR SOUND OR VIDEO RECORDINGS.

19 S 284. REPORTING REQUIREMENTS. 1. IN ACCORDANCE WITH GENERALLY
20 ACCEPTED ACCOUNTING PRINCIPLES, EACH ELIGIBLE APPLICANT SHALL FURNISH AN
21 ANNUAL FINANCIAL STATEMENT TO THE COMMISSIONER. SUCH REPORTS SHALL BE
22 SUBMITTED ON OR BEFORE JANUARY FIRST OF EACH YEAR.

23 2. THE DEPARTMENT SHALL ANNUALLY, ON OR BEFORE MARCH FIRST, SUBMIT TO
24 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF
25 THE ASSEMBLY A REPORT ON THE ACTIVITIES OF THE REGIONAL AGRICULTURAL
26 MARKETING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF
27 THE FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLI-
28 CANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND
29 ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING AGRICULTURAL
30 MARKETING. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT SHALL COMPILE
31 AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND DESCRIPTION OF
32 BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE AGRICULTURAL
33 MARKETING IN THE STATE AND THE EXPANSION AND DEVELOPMENT OF NEW MARKETS
34 FOR NEW YORK AGRICULTURAL PRODUCTS.

35 S 2. This act shall take effect immediately.