

1646

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

---

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:

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

ARTICLE 15

HUDSON VALLEY AGRICULTURAL REGIONAL MARKETING PROGRAM

SECTION 280. DEFINITIONS.

281. MATCHING FUNDS FOR ELIGIBLE APPLICANTS.

282. APPLICATION PROCESS.

283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS.

284. REPORTING REQUIREMENTS.

S 280. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS A DIFFERENT MEANING APPEARS FROM THE CONTEXT, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

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

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

LBD05216-01-3

1 3. "REGION" MEANS THE HUDSON VALLEY REGION OF THE STATE, AS DETERMINED  
2 BY THE COMMISSIONER.

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

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

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

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

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

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

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

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

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

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

1 S 283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS. 1. UPON SUBMISSION  
2 AND APPROVAL OF EACH APPLICATION AND THE AUTHORIZATION OF FUNDS BY THE  
3 COMMISSIONER IN ACCORDANCE THEREWITH, THE COMMISSIONER SHALL GIVE NOTICE  
4 TO THE ELIGIBLE APPLICANT OF SUCH APPROVAL AND AUTHORIZATION AND SHALL  
5 DIRECT SUCH ELIGIBLE APPLICANT TO PROCEED WITH ITS PROPOSED AGRICULTURAL  
6 MARKETING PROGRAM AS DESCRIBED IN ITS APPLICATION. UPON THE FURNISHING  
7 OF SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE SEVERAL COUNTY  
8 LEGISLATURES OR OTHER GOVERNING BODIES OF THE COUNTIES IDENTIFIED IN THE  
9 APPLICATION HAVE ENCUMBERED FUNDS IN THE AMOUNT COMMITTED AND APPROVED  
10 BY THE COMMISSIONER, THE STATE MATCHING FUNDS ALLOCATED TO SUCH ELIGIBLE  
11 APPLICANT SHALL BE PAID, FROM THE FUNDS APPROPRIATED FOR SUCH PURPOSE,  
12 PURSUANT TO THIS ARTICLE. ANY STATE FUNDS SO PAID MAY BE EXPENDED ONLY  
13 ON A MATCHING BASIS AND ONLY WITHIN TWELVE MONTHS OF SUCH PAYMENT,  
14 UNLESS AN EXTENSION OF TIME HAS BEEN REQUESTED AND, UPON SHOWING OF GOOD  
15 CAUSE, GRANTED BY THE COMMISSIONER.

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

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

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

37 S 2. This act shall take effect immediately.