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I N   A S S E M B L Y

February 10, 2016

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Introduced by M. of A. STIRPE -- read once and referred to the Committee  
on Agriculture

AN ACT to amend the agriculture and markets law and the New York state  
urban development corporation act, in relation to creating a small  
farm modernization fund

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

1     Section 1. Section 16 of the agriculture and markets law is amended by  
2     adding a new subdivision 48 to read as follows:  
3     48. COOPERATE WITH THE EMPIRE STATE DEVELOPMENT CORPORATION TO DEVELOP  
4     A SMALL FARM MODERNIZATION FUND PROGRAM TO PROVIDE GRANTS TO FARMERS FOR  
5     THE PURPOSES OF MODERNIZING THEIR FARM AND FARM PRACTICES, INCLUDING,  
6     BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT, CROPS, ANIMALS AND  
7     MARKETING OF FARM PRODUCTS. SUCH MODERNIZATION MAY ALSO INCLUDE UPDATING  
8     AND IMPROVING AGRICULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTI-  
9     CLE ELEVEN-A OF THIS CHAPTER, PRACTICES, EQUIPMENT AND INFRASTRUCTURE.  
10    FARM MODERNIZATION IS ESPECIALLY IMPORTANT FOR FARMS THAT ARE BEING  
11    TRANSITIONED FROM LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING FARMERS.  
12    FOR THE PURPOSES OF THIS PROGRAM THE TERM "SMALL FARM" SHALL MEAN A FARM  
13    OF ONE HUNDRED FIFTY ACRES OR LESS.  
14    S 2. Section 1 of chapter 174 of the laws of 1968, constituting the  
15    New York state urban development corporation act, is amended by adding a  
16    new section 16-x to read as follows:  
17    S 16-X. SMALL FARM MODERNIZATION FUND. 1. THE SMALL FARM MODERNIZATION  
18    FUND IS HEREBY CREATED. THE PURPOSE OF THE SMALL FARM MODERNIZATION FUND  
19    IS TO MAKE GRANTS TO ELIGIBLE APPLICANTS FOR MODERNIZING THEIR FARM AND  
20    FARM PRACTICES, INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIP-  
21    MENT, CROPS, ANIMALS, AND MARKETING OF FARM PRODUCTS. SUCH MODERNIZATION  
22    MAY ALSO INCLUDE UPDATING AND IMPROVING AGRICULTURAL ENVIRONMENTAL  
23    MANAGEMENT, AS DEFINED IN ARTICLE ELEVEN-A OF THE AGRICULTURE AND  
24    MARKETS LAW, PRACTICES, EQUIPMENT AND INFRASTRUCTURE. FARM MODERNIZATION  
25    IS ESPECIALLY IMPORTANT FOR FARMS THAT ARE BEING TRANSITIONED FROM  
26    LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING FARMERS.

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

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1 2. THE CORPORATION SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE  
2 AND MARKETS IN ORDER TO ESTABLISH SUCH CRITERIA GOVERNING THE AWARD OF  
3 GRANTS AS AUTHORIZED BY THIS SECTION, AS THE CORPORATION AND SUCH  
4 DEPARTMENT DEEM NECESSARY. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE  
5 LIMITED TO:

6 (A) FARMERS WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN THE  
7 PRODUCTION OF AN AGRICULTURAL PRODUCT WITHIN A REGION OF THE STATE;

8 (B) FARMERS WHO DEMONSTRATE INNOVATIVE PLANS FOR MODERNIZING THEIR  
9 FARMS THAT WOULD RESULT IN THE GROWTH OF BUSINESS WITHIN THE STATE AND  
10 THE CONCOMITANT CREATION OF JOBS AND TAX REVENUES FOR THE STATE; AND

11 (C) FARMS OF ONE HUNDRED FIFTY ACRES OR LESS.

12 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE PROCESS FOR THE EVAL-  
13 UATION OF APPLICANTS FOR THE SMALL FARM MODERNIZATION FUND. WHEN AWARD-  
14 ING FUNDS PURSUANT TO THIS SECTION, THE CORPORATION SHALL ENSURE THAT  
15 APPLICANTS MEET THE CRITERIA AND REQUIREMENTS ESTABLISHED BY THE CORPO-  
16 RATION PURSUANT TO THIS SECTION.

17 4. THE SMALL FARM MODERNIZATION FUND SHALL NOT INVEST AN AMOUNT IN ANY  
18 SINGLE BENEFICIARY THAT EXCEEDS TWENTY-FIVE THOUSAND DOLLARS, SUBJECT TO  
19 ANY EXCEPTIONS TO BE ESTABLISHED BY GUIDELINES OF THE CORPORATION.

20 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE CORPO-  
21 RATION MAY ESTABLISH A PROGRAM FUND FOR PROGRAM USE AND PAY INTO SUCH  
22 FUND ANY ELIGIBLE FUNDS AVAILABLE TO THE CORPORATION FROM ANY SOURCE,  
23 INCLUDING MONEYS APPROPRIATED BY THE STATE.

24 6. THE CORPORATION SHALL SUBMIT A REPORT ANNUALLY ON DECEMBER THIRTY-  
25 FIRST TO THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE  
26 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE  
27 AND THE MINORITY LEADER OF THE ASSEMBLY DETAILING:

28 (A) THE TOTAL AMOUNT OF FUNDS COMMITTED TO EACH APPLICANT;

29 (B) THE LOCATION OF EACH APPLICANT; AND

30 (C) SUCH OTHER INFORMATION AS THE CORPORATION DEEMS NECESSARY.

31 7. THE CORPORATION IS HEREBY AUTHORIZED TO ESTABLISH GUIDELINES FOR  
32 THE ADMINISTRATION OF THE PROGRAM, INCLUDING APPLICATION PROCEDURES AND  
33 DISBURSEMENT TERMS, AND TO PROVIDE FOR THE REPAYMENT OF FUNDS RECEIVED  
34 BY THE BENEFICIARY IF THE BENEFICIARY LEAVES NEW YORK STATE OR OTHERWISE  
35 CEASES FARMING ACTIVITY WITHIN A PERIOD OF TIME TO BE ESTABLISHED BY THE  
36 CORPORATION.

37 S 3. This act shall take effect on the first of April next succeeding  
38 the date on which it shall have become a law; provided, however, that  
39 effective immediately, the addition, amendment and/or repeal of any rule  
40 or regulation necessary for the implementation of this act on its effec-  
41 tive date is authorized to be made and completed on or before such date.