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

1113

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, JACOBS, GUNTHER -- Multi-Sponsored by -- M. of A. CLARK, COLTON, JOHN, MAGEE, McENENY, PHEFFER -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the economic development law, in relation to deleting references to annual guidelines and providing for promulgation of rules and regulations by the commissioner of economic development

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

Section 1. Subdivisions (b) and (c) of section 161 of the economic development law, as amended by chapter 465 of the laws of 1981, are amended to read as follows:

(b) [Establish and publish on an annual basis guidelines] PROMULGATE REGULATIONS relative to the use of funds to be granted hereunder. Such [guidelines] REGULATIONS shall [authorize] SPECIFY CRITERIA FOR the use of funds for the promotion of year round tourist travel, resort, vacation, culture and convention activities;

(c) Accept or reject applications for matching funds for recognized advertising programs by tourist promotion agencies on the basis of [annually published guidelines] CRITERIA SPECIFIED IN REGULATIONS PROMULGATED BY THE COMMISSIONER;

S 2. Subdivisions (b) and (e) of section 164 of the economic development law, as amended by chapter 563 of the laws of 1985, are amended to read as follows:

(b) In reviewing such applications, the commissioner may select from among competing or overlapping applications the application or applications that the commissioner considers to be of greater benefit to a given area and the welfare of the people of the state. Further, the commissioner shall select from among filed applications those applications which the commissioner considers to be most in accord with the [guidelines established for the fiscal year in which the funds are to be

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

LBD03550-01-9

expended] CRITERIA SPECIFIED IN THE REGULATIONS RELATIVE TO THE USE OF TOURISM MATCHING FUNDS. If the commissioner determines that an application does not meet [the guidelines] SUCH CRITERIA, the tourist promotion agency submitting such shall be notified of its rejection and the reasons therefor by certified mail. A tourist promotion agency whose application has been rejected may resubmit the application to meet [the guidelines determined by the commissioner] CRITERIA SPECIFIED IN THE REGULATIONS. The resubmitted application shall be postmarked within two weeks of the date of receipt of notice of failure of its initial application. After review of a submitted or resubmitted application, if satisfied that the program of the tourist promotion agency appears to be in accord with the purposes of this [act] ARTICLE, the commissioner shall authorize in writing the payment of matching funds appropriated pursuant to this [act] ARTICLE to such tourist promotion agency equal to funds allocated by such agency to the program described in its application, provided, however, that such matching grant shall not exceed an amount equal to five per centum of the matching grant appropriation for each county represented by such agency for the purposes set forth in this [act] ARTICLE. Provided that sufficient funds are appropriated, no such grant shall be less than either twenty thousand dollars per county represented by such tourist promotion agency or the amount of funds held by, or committed or subscribed to such tourist promotion agency for the purposes described in its application, whichever sum is less. No such minimum grant shall allow the awarding of matching funds for applications other than those meeting [the guidelines established by the department] CRITERIA SPECIFIED IN REGULATIONS PROMULGATED BY THE COMMISSIONER.

(e) Applications required by this section shall be submitted only upon forms provided by the department. [Such forms shall contain a statement of the guidelines which the commissioner shall use to establish priorities among applications. Such guidelines shall be established by the commissioner on an annual basis and, once established, shall not be changed until the following year.]

S 3. Subdivision (b) of section 166 of the economic development law, as added by chapter 465 of the laws of 1981, is amended to read as follows:

(b) The department shall annually, on or before March first, submit to the governor, the temporary president of the senate and the speaker of the assembly, a report on the activities of the matching funds program. Such report shall include [a statement of the guidelines promulgated by the department pursuant to section one hundred sixty-one of this article,] a summary of the financial statements received by the department from tourist promotion agencies, a summary of activities conducted by the tourist promotion agencies and analyses of the effectiveness of the matching funds program in stimulating tourist promotion and recommendations concerning the future organization, implementation and improvement of the matching funds program.

S 4. This act shall take effect on the first of May next succeeding the date on which it shall have become a law.