

6938

2009-2010 Regular Sessions

I N A S S E M B L Y

March 17, 2009

Introduced by M. of A. JAFFEE, CAHILL, SKARTADOS -- Multi-Sponsored by
-- M. of A. CALHOUN, CROUCH, GUNTHER, RABBITT -- read once and
referred to the Committee on Economic Development, Job Creation,
Commerce and Industry

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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.

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

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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.