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

5307

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MORAHAN -- 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.

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

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

LBD03649-01-9

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

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

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

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

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

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

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

S 282. APPLICATION PROCESS. 1. THE COMMISSIONER, UPON INVESTIGATION AND RECEIPT OF CERTIFIED COPIES OF SUCH RESOLUTIONS AS MAY BE NECESSARY TO SATISFY HIM OR HER THAT AN ELIGIBLE APPLICANT HAS BEEN DULY DESIGNATED TO REPRESENT THE REGION, SHALL RECOGNIZE SUCH ELIGIBLE APPLICANT AS THE SOLE SUCH APPLICANT WITHIN THE REGION. IN THE EVENT THAT EACH OF THE SEVERAL COUNTIES WITHIN THE REGION IS UNABLE OR UNWILLING TO DESIGNATE A SINGLE APPLICANT TO REPRESENT THE REGION, OR IS UNABLE OR UNWILLING TO ENCUMBER FUNDS PURSUANT TO SECTION TWO HUNDRED EIGHTY-THREE OF THIS ARTICLE, ONE OR MORE COUNTIES WITHIN THE REGION MAY DESIGNATE AN ELIGIBLE APPLICANT TO REPRESENT THE REGION. IN REVIEWING SUCH APPLICATIONS, THE COMMISSIONER MAY SELECT FROM AMONG COMPETING OR OVERLAPPING APPLICATIONS THE APPLICATION THAT THE COMMISSIONER CONSIDERS TO BE OF GREATER BENEFIT TO THE REGION AND THE WELFARE OF THE PEOPLE OF THE STATE.

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

3. NOTHING SHALL LIMIT AN ELIGIBLE APPLICANT FROM CREATING A REGIONAL AGRICULTURAL MARKETING PROGRAM WITH ANOTHER STATE, TERRITORY, PROTECTORATE, DEPENDENCY, OR COUNTRY.

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

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

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

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

2. 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 REGIONAL AGRICULTURAL MARKETING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF THE FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLICANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING AGRICULTURAL MARKETING. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT SHALL COMPILE AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND DESCRIPTION OF BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE AGRICULTURAL MARKETING IN THE STATE AND THE EXPANSION AND DEVELOPMENT OF NEW MARKETS FOR NEW YORK AGRICULTURAL PRODUCTS.

S 2. This act shall take effect immediately.