

6331

2009-2010 Regular Sessions

I N S E N A T E

December 7, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when
printed to be committed to the Committee on Rules

AN ACT to amend the economic development law, in relation to creating a
high tech marketing program and making an appropriation therefor

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 11-B to read as follows:

3 ARTICLE 11-B
4 HIGH TECH MARKETING PROGRAM

5 SECTION 239-A. DEFINITIONS.
6 239-B. APPLICATION.
7 239-C. USE OF FUNDS.
8 239-D. ADVISORY COMMITTEE.
9 239-E. REPORTING REQUIREMENTS.

10 S 239-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING WORDS AND
11 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

12 1. "ELIGIBLE APPLICANT" SHALL MEAN A STATEWIDE ECONOMIC DEVELOPMENT
13 NOT-FOR-PROFIT ORGANIZATION ESTABLISHED TO PROMOTE THE ECONOMIC DEVELOP-
14 MENT OF THE STATE AND ITS COMMUNITIES, ENCOURAGE SOUND PRACTICES IN THE
15 CONDUCT OF REGIONAL AND STATEWIDE DEVELOPMENT PROGRAMS, AND TO DEVELOP
16 EDUCATION PROGRAMS THAT ENHANCE THE PROFESSIONAL DEVELOPMENT SKILLS OF
17 ITS MEMBERS, AND WHOSE MEMBERS REPRESENT COUNTY, STATEWIDE, AND LOCAL
18 GOVERNMENT JURISDICTIONS FOR THE PURPOSE OF ATTRACTING INVESTMENT AND
19 JOBS TO THE REGIONS THEY REPRESENT.

20 2. "STATEWIDE HIGH TECH MARKETING PROGRAM" SHALL MEAN A PROGRAM THAT
21 PROMOTES THE STATE'S STRENGTHS AND ASSETS IN THE FOLLOWING TECHNOLOGY
22 SECTORS: NANO-TECHNOLOGY; BIOTECHNOLOGY; AND PHOTONICS, OPTICS, AND
23 IMAGING.

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

LBD04921-01-9

1 3. "REGIONAL BUSINESS MARKETING CORPORATION" SHALL MEAN ANY
2 NOT-FOR-PROFIT CORPORATION CREATED FOR THE PRIMARY PURPOSE OF MARKING A
3 MULTI-COUNTY REGION OF THE STATE FOR THE PURPOSE OF ATTRACTING PRIVATE
4 SECTOR INVESTMENT AND CREATING JOBS, AND WHICH HAS RECEIVED THE FINAN-
5 CIAL SUPPORT OF AT LEAST THREE COUNTY GOVERNMENTS.

6 S 239-B. APPLICATION. THE COMMISSIONER SHALL, WITHIN THREE MONTHS OF
7 THE EFFECTIVE DATE OF THIS ARTICLE, IMPLEMENT A REQUEST FOR PROPOSALS
8 PROCESS FOR SELECTING THE "ELIGIBLE APPLICANT". THE COMMISSIONER SHALL
9 INSURE THAT THE APPLICATION OF THE WINNING APPLICANT FOR SUCH FUNDS
10 SHALL HAVE SET FORTH THE SCHEDULE, BUDGET, SCOPE, USES OF FUNDS, AND
11 THEME OF THE PROPOSED STATEWIDE MARKETING PROGRAM TO BE UNDERTAKEN FOR
12 THE PURPOSE OF ENCOURAGING AND STIMULATING BUSINESS DEVELOPMENT AND
13 ECONOMIC ACTIVITY IN THE TARGETED HIGH TECHNOLOGY SECTORS WITHIN NEW
14 YORK STATE AND ITS REGIONS. THE APPROPRIATION FOR THIS PROGRAM SHALL BE
15 PAID TO THE WINNING APPLICANT WITHIN SIXTY DAYS OF ITS SELECTION.

16 S 239-C. USE OF FUNDS. 1. THREE MILLION DOLLARS OF THE FUNDS MAY BE
17 USED BY THE SELECTED APPLICANT TO DEVELOP AND IMPLEMENT A STATEWIDE HIGH
18 TECH MARKETING PROGRAM, AND MAY BE USED FOR THE FOLLOWING PURPOSES:

19 A. PARTICIPATION AT KEY INTERNATIONAL AND DOMESTIC TRADE SHOWS AND
20 INDUSTRY CONFERENCES.

21 B. DEVELOPMENT OF TARGETED INDUSTRY PROFILES AND OTHER PRIMARY
22 RESEARCH ON TARGETED INDUSTRIES.

23 C. DEVELOPMENT OF TARGETED INDUSTRY COLLATERAL MATERIAL.

24 D. ONE-ON-ONE MEETINGS WITH INDUSTRY DECISION MAKERS.

25 E. DIRECT MAIL TO CORPORATE, SITE LOCATION CONSULTANTS, AND OTHER KEY
26 DECISION MAKERS FOR TARGETED TECHNOLOGY SECTORS.

27 F. DEVELOPMENT OF NEW YORK LOVES NANO TECH, NEW YORK LOVES BIO TECH,
28 AND NEW YORK LOVES PHOTONICS WEB SITES.

29 G. ADVERTISING IN INFLUENTIAL TRADE AND OTHER PUBLICATIONS.

30 H. NEW YORK STATE TOURS WITH TARGETED INDUSTRY DECISION MAKERS.

31 I. ALL FUNDS AWARDED TO THE WINNING APPLICANT MUST BE EXPENDED WITHIN
32 TWELVE MONTHS, UNLESS AN EXTENSION OF TIME IS REQUESTED AND, UPON SHOW-
33 ING OF GOOD CAUSE, GRANTED BY THE DEPARTMENT.

34 J. NO MORE THAN TEN PERCENT OF THE TOTAL AMOUNT OF FUNDS AWARDED TO
35 THE SELECTED APPLICANT SHALL BE USED FOR ADMINISTRATIVE PURPOSES,
36 INCLUDING SALARIES ASSOCIATED WITH IMPLEMENTING A STATEWIDE HIGH TECH
37 MARKETING PROGRAM.

38 2. TWO MILLION DOLLARS OF THE FUNDS MAY BE AWARDED BY THE SELECTED
39 APPLICANT ON A MATCHING BASIS TO NO MORE THAN FOUR ELIGIBLE BUSINESS
40 REGIONAL MARKETING CORPORATIONS FOR THE PURPOSE OF IMPLEMENTING BUSINESS
41 MARKETING INITIATIVES WITHIN THE TARGETED TECHNOLOGY SECTORS.

42 A. THE SELECTED APPLICANT SHALL ESTABLISH A REQUEST FOR PROPOSALS
43 PROCESS FOR SELECTING REGIONAL BUSINESS MARKETING CORPORATIONS TO BE
44 RECIPIENTS OF MATCHING GRANTS FROM THIS PROGRAM. THE SELECTED REGIONAL
45 BUSINESS MARKETING CORPORATIONS SHALL HAVE DEMONSTRATED THAT:

46 (I) THE CORPORATION EXISTS IN LEGAL FORM.

47 (II) THE CORPORATION HAS SECURED AN AMOUNT EQUAL TO THE TOTAL MATCH
48 AWARDED BY THE SELECTED APPLICANT.

49 (III) THE CORPORATION HAS RECEIVED AND IS RECEIVING FINANCIAL SUPPORT
50 FROM AT LEAST COUNTY GOVERNMENTS FROM WITHIN ITS JURISDICTION.

51 B. APPLICATIONS OF SELECTED REGIONAL BUSINESS MARKETING CORPORATIONS
52 SHALL HAVE SET FORTH THE SCHEDULE, BUDGET, SCOPE, USES OF FUNDS, AND
53 THEME OF THE PROPOSED STATEWIDE MARKETING PROGRAM TO BE UNDERTAKEN FOR
54 THE PURPOSE OF ENCOURAGING AND STIMULATING BUSINESS DEVELOPMENT AND
55 ECONOMIC ACTIVITY IN THE TARGETED HIGH TECHNOLOGY SECTORS WITHIN THE
56 REGION, PROVIDED, HOWEVER, THAT:

1 (I) NO SUCH MATCHING FUNDS SHALL EXCEED THE SUM OF FIVE HUNDRED THOU-
2 SAND DOLLARS;

3 (II) NO MATCHING FUNDS WILL BE USED FOR ADMINISTRATIVE COSTS, INCLUD-
4 ING SALARIES, ASSOCIATED WITH THE IMPLEMENTATION OF A REGIONAL HIGH TECH
5 BUSINESS MARKETING PROGRAM;

6 (III) NO SUCH MATCHING FUNDS SHALL BE USED FOR THE DIRECT BENEFIT OF A
7 FOR-PROFIT BUSINESS UNLESS SUCH EXPENDITURE SHALL FURTHER A PUBLIC
8 PURPOSE AND HAVE A CLEAR, LONG-TERM BENEFIT TO THE REGIONAL ECONOMY;

9 (IV) THE USES OF THE FUNDS ARE CONSISTENT WITH THE BUSINESS MARKETING
10 PROGRAMS DEVELOPED AND IMPLEMENTED BY THE WINNING APPLICANT; AND

11 (V) ALL FUNDS AWARDED TO REGIONAL BUSINESS MARKETING CORPORATIONS
12 SHALL BE EXPENDED WITHIN TWELVE MONTHS OF SUCH PAYMENT UNLESS AN EXTEN-
13 SION OF TIME IS REQUESTED AND, UPON SHOWING OF GOOD CAUSE, GRANTED BY
14 THE WINNING APPLICANT.

15 C. NO ADVERTISING OR MARKETING FUNDED FOR THE PURPOSE OF THIS ARTICLE
16 SHALL CONTAIN REFERENCES TO OR THE NAME OF ANY PUBLIC OFFICIAL OF THE
17 STATE OF NEW YORK, OR ITS POLITICAL SUBDIVISIONS. REFERENCE SHALL
18 INCLUDE BUT NOT BE LIMITED TO PHOTOGRAPHS, DRAWINGS, CARICATURES, OR
19 SOUND OR VIDEO RECORDINGS, UNLESS EXPRESSLY AUTHORIZED BY THE ADVISORY
20 COMMITTEE DESCRIBED IN SECTION TWO HUNDRED THIRTY-NINE-D OF THIS ARTI-
21 CLE.

22 S 239-D. ADVISORY COMMITTEE. THE WINNING APPLICANT SHALL ESTABLISH AN
23 ADVISORY COMMITTEE CONSISTING OF KEY STAKEHOLDERS TO ADVISE ON THE
24 DEVELOPMENT AND IMPLEMENTATION OF A MARKETING PLAN FOR EACH TARGETED
25 INDUSTRY SECTOR. THE ADVISORY COMMITTEE SHALL CONSIST OF REPRESENTATIVES
26 OF REGIONAL MARKETING CORPORATIONS, ECONOMIC DEVELOPERS, UNIVERSITY
27 REPRESENTATIVES, PRIVATE INDUSTRY, EMPIRE STATE DEVELOPMENT CORPORATION,
28 THE SPEAKER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT OF THE SENATE.
29 THE CHAIRPERSON OF THE ADVISORY COMMITTEE SHALL BE SELECTED FROM AMONG
30 ALL ITS MEMBERS.

31 S 239-E. REPORTING REQUIREMENTS. 1. EACH REGIONAL BUSINESS MARKETING
32 CORPORATION SHALL PROVIDE AN ANNUAL FINANCIAL STATEMENT PREPARED ACCORD-
33 ING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES TO THE WINNING APPLI-
34 CANT, THE COMMISSIONER, THE SPEAKER OF THE ASSEMBLY, AND THE TEMPORARY
35 PRESIDENT OF THE SENATE.

36 2. THE WINNING APPLICANT SHALL PROVIDE AN ANNUAL FINANCIAL STATEMENT
37 PREPARED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES TO THE
38 COMMISSIONER, THE SPEAKER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT
39 OF THE SENATE, AS WELL AS A PERFORMANCE REPORT INDICATING HOW FUNDS WERE
40 EXPENDED, AND RESULTS OF THOSE EXPENDITURES.

41 S 2. The sum of five million dollars (\$5,000,000), or so much thereof
42 as may be necessary, is hereby appropriated to the department of econom-
43 ic development from any moneys in the state treasury in the general fund
44 not otherwise appropriated for services and expenses; including the
45 expenses of the department of economic development, for the purposes of
46 carrying out the provisions of this act. Such sum shall be payable on
47 the audit and warrant of the state comptroller on vouchers certified or
48 approved by the commissioner of economic development, or his or her duly
49 designated representative in the manner provided by law.

50 S 3. This act shall take effect immediately.