

1 2. "RECOGNIZED ADVERTISING" MEANS MEDIA ADVERTISING AND PROMOTIONAL
2 MATERIALS TO BE BROADCAST, DISSEMINATED, OR OTHERWISE DISTRIBUTED IN
3 ACCORDANCE WITH A PLAN APPROVED BY THE COMMISSIONER.

4 3. "REGION" MEANS AN ECONOMIC DEVELOPMENT REGION OF THE STATE ESTAB-
5 LISHED PURSUANT TO SECTION TWO HUNDRED THIRTY OF THIS CHAPTER, AN INTER-
6 NATIONAL REGION, OR A MULTI-STATE REGION.

7 4. "REGIONAL MARKETING PROGRAM" MEANS THE USE OF MEDIA ADVERTISING AND
8 PROMOTIONAL MATERIALS FOR PURPOSES OF MARKETING: (A) THE NATURAL
9 RESOURCES, INFRASTRUCTURE, AND OTHER ATTRACTIONS OF A REGION WHICH ARE
10 NON-PROPRIETARY IN NATURE AND WHICH SERVE TO PROMOTE AND ENCOURAGE THE
11 LOCATION AND DEVELOPMENT OF NEW BUSINESSES WITHIN THE REGION; (B)
12 PRODUCTS MANUFACTURED BY STRATEGIC ALLIANCES OF BUSINESSES WITHIN A
13 REGION; AND (C) OTHER PRODUCTS MANUFACTURED IN ACCORDANCE WITH AN OFFI-
14 CIAL QUALITY CONTROL PROGRAM, WHICH MAY INCLUDE THE USE OF A LOGO-TYPE
15 OR SIMILAR ADVERTISING CONSTRUCT ESTABLISHED BY THE LEGISLATURE.

16 5. "STRATEGIC ALLIANCE" MEANS AN INFORMAL OR FORMAL ASSOCIATION OF
17 BUSINESSES IN A MANUFACTURING INDUSTRY ESTABLISHED FOR THE PURPOSE OF
18 SOLVING COMMON PROBLEMS AND ENGAGING IN COOPERATIVE ACTIVITIES AND THAT
19 IS CONSIDERED TO BE CRITICAL TO THE ECONOMY OF A REGION.

20 S 246. MATCHING FUNDS FOR ELIGIBLE APPLICANTS. 1. THE COMMISSIONER, IN
21 FURTHERANCE OF THE OBJECTIVES OF THE REGIONAL BUSINESS MARKETING
22 PROGRAM, IS AUTHORIZED TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS
23 FOR THE PURPOSE OF IMPLEMENTATION OF REGIONAL MARKETING PROGRAMS AS
24 DEFINED IN SUBDIVISION FOUR OF SECTION TWO HUNDRED FORTY-FIVE OF THIS
25 ARTICLE; PROVIDED, HOWEVER, THAT:

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

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

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

35 2. THE COMMISSIONER IS AUTHORIZED TO MATCH FUNDS EXPENDED BY AN ELIGI-
36 BLE APPLICANT IF THE ELIGIBLE APPLICANT REPRESENTS ONE OR MORE COUNTIES,
37 BUT FEWER THAN EACH OF THE SEVERAL COUNTIES, IN A STATE ECONOMIC DEVEL-
38 OPMENT REGION.

39 S 247. APPLICATION PROCESS. 1. THE COMMISSIONER, UPON INVESTIGATION
40 AND RECEIPT OF CERTIFIED COPIES OF SUCH RESOLUTIONS AS MAY BE NECESSARY
41 TO SATISFY HIM OR HER THAT AN ELIGIBLE APPLICANT HAS BEEN DULY DESIG-
42 NATED TO REPRESENT A PARTICULAR REGION, SHALL RECOGNIZE SUCH ELIGIBLE
43 APPLICANT AS THE SOLE SUCH APPLICANT WITHIN SUCH REGION. IN THE EVENT
44 THAT EACH OF THE SEVERAL COUNTIES WITHIN A REGION IS UNABLE OR UNWILLING
45 TO DESIGNATE A SINGLE APPLICANT TO REPRESENT A PARTICULAR REGION, OR IS
46 UNABLE OR UNWILLING TO ENCUMBER FUNDS PURSUANT TO SECTION TWO HUNDRED
47 FORTY-EIGHT OF THIS ARTICLE, ONE OR MORE COUNTIES WITHIN A REGION MAY
48 DESIGNATE AN ELIGIBLE APPLICANT TO REPRESENT A PARTICULAR REGION. IN
49 REVIEWING SUCH APPLICATIONS, THE COMMISSIONER MAY SELECT FROM AMONG
50 COMPETING OR OVERLAPPING APPLICATIONS THE APPLICATION THAT THE COMMIS-
51 SIONER CONSIDERS TO BE OF GREATER BENEFIT TO A PARTICULAR REGION AND THE
52 WELFARE OF THE PEOPLE OF THE STATE.

53 2. THE COMMISSIONER IS AUTHORIZED TO ACCEPT AND SET REASONABLE DEAD-
54 LINES FOR THE SUBMISSION OF APPLICATIONS FOR EACH FISCAL YEAR COVERED BY
55 APPROPRIATIONS IN ORDER TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS
56 FOR THE PURPOSE OF THE IMPLEMENTATION OF REGIONAL MARKETING PROGRAMS. IN

1 REVIEWING AND SELECTING APPLICATIONS FROM ELIGIBLE APPLICANTS FOR
2 ASSISTANCE UNDER THIS PROGRAM, THE COMMISSIONER SHALL ENSURE THAT EACH
3 APPLICATION FOR SUCH FUNDS SHALL HAVE THEREIN SET FORTH THE SCHEDULE,
4 BUDGET, SCOPE, AND THEME OF THE PROPOSED REGIONAL MARKETING PROGRAM TO
5 BE UNDERTAKEN FOR THE PURPOSE OF ENCOURAGING AND STIMULATING BUSINESS
6 DEVELOPMENT AND ECONOMIC ACTIVITY WITHIN THE REGION OF THE STATE.

7 3. FOR THE PURPOSE OF PROMOTING INTERREGIONAL ECONOMIC DEVELOPMENT,
8 THE COMMISSIONER MAY APPROVE APPLICATIONS DULY SUBMITTED BY ONE OR MORE
9 COUNTIES IN EACH OF AT LEAST TWO STATE ECONOMIC DEVELOPMENT REGIONS. IN
10 APPROVING SUCH APPLICATIONS, THE COMMISSIONER SHALL DETERMINE THAT SUCH
11 APPLICATIONS ARE OF GREATER BENEFIT TO ONE OR MORE COUNTIES IN EACH OF
12 AT LEAST TWO REGIONS OF THE STATE AND TO THE WELFARE OF THE PEOPLE OF
13 THE STATE THAN APPLICATIONS SUBMITTED PURSUANT TO SUBDIVISION ONE OF
14 THIS SECTION.

15 4. NOTHING SHALL LIMIT AN ELIGIBLE APPLICANT FROM CREATING A REGIONAL
16 MARKETING PROGRAM WITH ANOTHER STATE, TERRITORY, PROTECTORATE, DEPENDEN-
17 CY, OR COUNTRY.

18 S 248. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS. 1. UPON SUBMISSION
19 AND APPROVAL OF EACH APPLICATION AND THE AUTHORIZATION OF FUNDS BY THE
20 COMMISSIONER IN ACCORDANCE THEREWITH, THE COMMISSIONER SHALL GIVE NOTICE
21 TO THE ELIGIBLE APPLICANT OF SUCH APPROVAL AND AUTHORIZATION AND SHALL
22 DIRECT SUCH ELIGIBLE APPLICANT TO PROCEED WITH ITS PROPOSED BUSINESS
23 MARKETING PROGRAM AS DESCRIBED IN ITS APPLICATION. UPON THE FURNISHING
24 OF SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE SEVERAL COUNTY
25 LEGISLATURES OR OTHER GOVERNING BODIES OF THE COUNTIES, OR THE CITY
26 COUNCIL OF THE CITY OF NEW YORK, IDENTIFIED IN THE APPLICATION HAVE
27 ENCUMBERED FUNDS IN THE AMOUNT COMMITTED AND APPROVED BY THE COMMISSION-
28 ER, THE STATE MATCHING FUNDS ALLOCATED TO SUCH ELIGIBLE APPLICANT SHALL
29 BE PAID, FROM THE FUNDS APPROPRIATED FOR SUCH PURPOSE, PURSUANT TO THIS
30 ARTICLE. ANY STATE FUNDS SO PAID MAY BE EXPENDED ONLY ON A MATCHING
31 BASIS AND ONLY WITHIN TWELVE MONTHS OF SUCH PAYMENT, UNLESS AN EXTENSION
32 OF TIME HAS BEEN REQUESTED AND, UPON SHOWING OF GOOD CAUSE, GRANTED BY
33 THE COMMISSIONER.

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

39 3. ANY LOGOTYPE, SPECIAL PRINTING CHARACTERS, SLOGAN, OR LIKE DEVICE
40 DEVELOPED BY THE DEPARTMENT PURSUANT TO AN ADVERTISING CONSTRUCT ESTAB-
41 LISHED BY THE LEGISLATURE USED TO IDENTIFY PRODUCTS MANUFACTURED IN
42 ACCORDANCE WITH AN OFFICIAL QUALITY CONTROL PROGRAM AS PART OF A
43 REGIONAL BUSINESS MARKETING PROGRAM SHALL BECOME THE PROPERTY OF THE
44 STATE OF NEW YORK, AND ITS USE MAY BE SUBJECT TO ADDITIONAL REQUIRE-
45 MENTS, AS AND IF DEEMED NECESSARY BY THE LEGISLATURE.

46 S 249. REPORTING REQUIREMENTS. 1. IN ACCORDANCE WITH GENERALLY
47 ACCEPTED ACCOUNTING PRINCIPLES, EACH ELIGIBLE APPLICANT SHALL FURNISH AN
48 ANNUAL FINANCIAL STATEMENT TO THE COMMISSIONER. SUCH REPORTS SHALL BE
49 SUBMITTED ON OR BEFORE JANUARY FIRST OF EACH YEAR.

50 2. THE DEPARTMENT SHALL ANNUALLY, ON OR BEFORE MARCH FIRST, SUBMIT TO
51 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF
52 THE ASSEMBLY A REPORT ON THE ACTIVITIES OF THE REGIONAL BUSINESS MARKET-
53 ING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF THE
54 FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLI-
55 CANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND
56 ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING ECONOMIC

1 GROWTH AND JOB CREATION. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT
2 SHALL COMPILE AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND
3 DESCRIPTION OF BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE
4 THE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE AND THE
5 EXPANSION AND DEVELOPMENT OF NEW MARKETS FOR NEW YORK PRODUCTS.
6 S 2. This act shall take effect immediately.