



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

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

14 S 246. MATCHING FUNDS FOR ELIGIBLE APPLICANTS. 1. THE COMMISSIONER, IN  
15 FURTHERANCE OF THE OBJECTIVES OF THE REGIONAL BUSINESS MARKETING  
16 PROGRAM, IS AUTHORIZED TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS  
17 FOR THE PURPOSE OF IMPLEMENTATION OF REGIONAL MARKETING PROGRAMS AS  
18 DEFINED IN SUBDIVISION FOUR OF SECTION TWO HUNDRED FORTY-FIVE OF THIS  
19 ARTICLE; PROVIDED, HOWEVER, THAT:

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

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

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

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

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

47 2. THE COMMISSIONER IS AUTHORIZED TO ACCEPT AND SET REASONABLE DEAD-  
48 LINES FOR THE SUBMISSION OF APPLICATIONS FOR EACH FISCAL YEAR COVERED BY  
49 APPROPRIATIONS IN ORDER TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS  
50 FOR THE PURPOSE OF THE IMPLEMENTATION OF REGIONAL MARKETING PROGRAMS. IN  
51 REVIEWING AND SELECTING APPLICATIONS FROM ELIGIBLE APPLICANTS FOR  
52 ASSISTANCE UNDER THIS PROGRAM, THE COMMISSIONER SHALL ENSURE THAT EACH  
53 APPLICATION FOR SUCH FUNDS SHALL HAVE THEREIN SET FORTH THE SCHEDULE,  
54 BUDGET, SCOPE, AND THEME OF THE PROPOSED REGIONAL MARKETING PROGRAM TO  
55 BE UNDERTAKEN FOR THE PURPOSE OF ENCOURAGING AND STIMULATING BUSINESS  
56 DEVELOPMENT AND ECONOMIC ACTIVITY WITHIN THE REGION OF THE STATE.

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

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

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

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

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

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

44 2. THE DEPARTMENT SHALL ANNUALLY, ON OR BEFORE MARCH FIRST, SUBMIT TO  
45 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF  
46 THE ASSEMBLY A REPORT ON THE ACTIVITIES OF THE REGIONAL BUSINESS MARKET-  
47 ING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF THE  
48 FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLI-  
49 CANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND  
50 ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING ECONOMIC  
51 GROWTH AND JOB CREATION. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT  
52 SHALL COMPILE AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND  
53 DESCRIPTION OF BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE  
54 THE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE AND THE  
55 EXPANSION AND DEVELOPMENT OF NEW MARKETS FOR NEW YORK PRODUCTS.

56 S 2. This act shall take effect immediately.