

6936

I N S E N A T E

February 26, 2010

Introduced by Sen. FOLEY -- 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 Suffolk county agricultural marketing program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 SUFFOLK COUNTY AGRICULTURAL 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 LEGISLATURE OF SUFFOLK COUNTY AS AN AGENCY AUTHORIZED
16 TO MAKE APPLICATION FOR AND RECEIVE GRANTS FOR THE PURPOSES SPECIFIED IN
17 THIS ARTICLE.

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

21 3. "COUNTY" MEANS SUFFOLK COUNTY.

22 4. "COUNTY AGRICULTURAL MARKETING PROGRAM" MEANS THE USE OF MEDIA
23 ADVERTISING AND PROMOTIONAL MATERIALS FOR PURPOSES OF MARKETING AGRICUL-
24 TURAL PRODUCTS OF SUFFOLK COUNTY.

25 5. "STRATEGIC ALLIANCE" MEANS AN INFORMAL OR FORMAL ASSOCIATION OF
26 AGRICULTURAL PRODUCERS ESTABLISHED FOR THE PURPOSE OF SOLVING COMMON

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

LBD16135-02-0

1 PROBLEMS AND ENGAGING IN COOPERATIVE ACTIVITIES AND THAT IS CONSIDERED
2 TO BE CRITICAL TO THE AGRICULTURAL ECONOMY OF THE COUNTY.

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

9 1. NO SUCH MATCHING FUNDS SHALL EXCEED THE SUM OF FIVE HUNDRED THOU-
10 SAND DOLLARS OR FIFTY PERCENT OF THE TOTAL COST OF IMPLEMENTATION OF THE
11 COUNTY AGRICULTURAL MARKETING PROGRAM, WHICHEVER IS LESS;

12 2. NO SUCH MATCHING FUNDS SHALL BE USED FOR ADMINISTRATIVE COSTS,
13 INCLUDING SALARIES, ASSOCIATED WITH THE IMPLEMENTATION OF THE COUNTY
14 AGRICULTURAL MARKETING PROGRAM;

15 3. NO SUCH MATCHING FUNDS SHALL BE USED FOR THE DIRECT BENEFIT OF A
16 FOR-PROFIT AGRICULTURAL PRODUCER OR MARKETER UNLESS SUCH EXPENDITURE
17 SHALL FURTHER A PUBLIC PURPOSE AND HAVE A CLEAR, LONG-TERM BENEFIT TO
18 THE COUNTY'S AGRICULTURAL ECONOMY.

19 S 282. APPLICATION PROCESS. 1. THE COMMISSIONER IS AUTHORIZED TO
20 ACCEPT AND SET REASONABLE DEADLINES FOR THE SUBMISSION OF APPLICATIONS
21 FOR EACH FISCAL YEAR COVERED BY APPROPRIATIONS IN ORDER TO MATCH FUNDS
22 EXPENDED BY ELIGIBLE APPLICANTS FOR THE PURPOSE OF THE IMPLEMENTATION OF
23 THE COUNTY AGRICULTURAL MARKETING PROGRAM. IN REVIEWING AND SELECTING
24 APPLICATIONS FROM ELIGIBLE APPLICANTS FOR ASSISTANCE UNDER THIS PROGRAM,
25 THE COMMISSIONER SHALL ENSURE THAT EACH APPLICATION FOR SUCH FUNDS SHALL
26 HAVE THEREIN SET FORTH THE SCHEDULE, BUDGET, SCOPE, AND THEME OF THE
27 PROPOSED COUNTY AGRICULTURAL MARKETING PROGRAM TO BE UNDERTAKEN FOR THE
28 PURPOSE OF ENCOURAGING AND STIMULATING AGRICULTURAL MARKETING WITHIN THE
29 COUNTY OF THE STATE.

30 2. NOTHING SHALL LIMIT AN ELIGIBLE APPLICANT FROM CREATING A COUNTY
31 AGRICULTURAL MARKETING PROGRAM WITH ANOTHER STATE, TERRITORY, PROTECTOR-
32 ATE, DEPENDENCY, OR COUNTRY.

33 S 283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS. 1. UPON SUBMISSION
34 AND APPROVAL OF EACH APPLICATION AND THE AUTHORIZATION OF FUNDS BY THE
35 COMMISSIONER IN ACCORDANCE THEREWITH, THE COMMISSIONER SHALL GIVE NOTICE
36 TO THE ELIGIBLE APPLICANT OF SUCH APPROVAL AND AUTHORIZATION AND SHALL
37 DIRECT SUCH ELIGIBLE APPLICANT TO PROCEED WITH ITS PROPOSED AGRICULTURAL
38 MARKETING PROGRAM AS DESCRIBED IN ITS APPLICATION. UPON THE FURNISHING
39 OF SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE LEGISLATURE OF
40 SUFFOLK COUNTY HAS ENCUMBERED FUNDS IN THE AMOUNT COMMITTED AND APPROVED
41 BY THE COMMISSIONER, THE STATE MATCHING FUNDS ALLOCATED TO SUCH ELIGIBLE
42 APPLICANT SHALL BE PAID, FROM THE FUNDS APPROPRIATED FOR SUCH PURPOSE,
43 PURSUANT TO THIS ARTICLE. ANY STATE FUNDS SO PAID MAY BE EXPENDED ONLY
44 ON A MATCHING BASIS AND ONLY WITHIN TWELVE MONTHS OF SUCH PAYMENT,
45 UNLESS AN EXTENSION OF TIME HAS BEEN REQUESTED AND, UPON SHOWING OF GOOD
46 CAUSE, GRANTED BY THE COMMISSIONER.

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

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

1 2. THE DEPARTMENT SHALL ANNUALLY, ON OR BEFORE MARCH FIRST, SUBMIT TO
2 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF
3 THE ASSEMBLY A REPORT ON THE ACTIVITIES OF THE COUNTY AGRICULTURAL
4 MARKETING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF
5 THE FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLI-
6 CANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND
7 ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING AGRICULTURAL
8 MARKETING. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT SHALL COMPILE
9 AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND DESCRIPTION OF
10 BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE AGRICULTURAL
11 MARKETING IN THE STATE AND THE EXPANSION AND DEVELOPMENT OF NEW MARKETS
12 FOR NEW YORK AGRICULTURAL PRODUCTS.

13 S 2. This act shall take effect immediately.