

3450

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. GABRYSZAK, SCHIMMINGER, REILLY, GUNTHER, JAFFEE
-- Multi-Sponsored by -- M. of A. BRENNAN, RUSSELL, SALADINO, TITONE,
WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT relating to the creation of the vineyard planting loan program
and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

- 1 Section 1. Vineyard planting loan program. 1. Notwithstanding the
2 provisions of any general or special law to the contrary, the New York
3 wine/grape foundation shall undertake to provide financial assistance to
4 rural land owners for the planting of grapes and development of wineries
5 in the state of New York.
6 2. For purposes of this section, and notwithstanding any provision of
7 law to the contrary, as used in this section:
8 (a) "Rural land owner" shall mean a person who engages in grape manu-
9 facturing and/or the production and processing of wine, grapes or grape
10 products or desires to engage in farming of grape manufacturing and/or
11 the production and processing of wine, grapes or grape products in the
12 state.
13 (b) "Lender" shall mean any state or federally-chartered savings bank,
14 savings and loan association, state or federally-chartered savings banks
15 and savings and loan associations, farm credit system institution, or
16 state or federally-chartered commercial banks or trust companies author-
17 ized to do business in this state.
18 3. The foundation is hereby authorized to enter into any contract,
19 financing or loan agreement, or other instrument in connection with a
20 loan made by a lender to a rural land owner for purposes of this
21 section.
22 4. (a) In order to effectuate the purposes of this section, the foun-
23 dation may extend credit to or on behalf of a rural land owner for the

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

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1 planting of vineyards, the purchasing of vines and the purchasing of
2 vineyard equipment and supplies.

3 (b) Credit shall not be extended to rural land owners for the purchase
4 or lease of tractors, trucks or winemaking equipment.

5 5. (a) In connection with the issuance of any bond or note issued in
6 connection with or for the vineyard planting loan program, the founda-
7 tion may fix and collect any fees and charges, including but not limit-
8 ed to reimbursement of all costs of financing incurred by the founda-
9 tion, as the corporation shall determine to be reasonable.

10 (b) Interest rates charged to the rural land owner by the foundation
11 shall be less than the amount that is being charged by commercial lend-
12 ers.

13 6. In connection with the extension of credit and the issuance of a
14 bond or note to a rural land owner as provided in this section, a rural
15 land owner shall submit to the foundation an application for the exten-
16 sion of credit or a loan. The foundation may deny such application for
17 any reason it deems appropriate in the public interest.

18 7. All assets and liabilities created through the issuance of bonds or
19 notes under this section shall be separate from all other assets and
20 liabilities of the foundation. The foundation shall have no moral or
21 legal obligation or liability to any rural land owner or other person
22 under this section except as expressly provided by written contract. No
23 funds in the vineyard planting loan program may be commingled with any
24 other funds of the foundation.

25 8. (a) The foundation shall promulgate regulations, developed in
26 consultation with the commissioner of agriculture and markets, for the
27 purpose of carrying out its responsibilities under this section, includ-
28 ing establishing the criteria and standards for evaluating and criteria
29 for eligibility of rural land owners to be financed by the vineyard
30 planting loan program.

31 (b) The foundation shall consult with the commissioner of agriculture
32 and markets regarding promotion of the loan program and agriculturally
33 related questions regarding the program or applications.

34 S 2. The sum of three million dollars (\$3,000,000), or so much thereof
35 as may be necessary, is hereby appropriated to the New York wine/grape
36 foundation in consultation and coordination with the commissioner of
37 agriculture and markets out of any moneys in the state treasury in the
38 general fund to the credit of the state purposes account not otherwise
39 appropriated, for carrying out the provisions of this act. Such sum
40 shall be payable on the audit and warrant of the state comptroller on
41 vouchers certified or approved by the commissioner of agriculture and
42 markets, or his or her duly designated representative in the manner
43 provided by law. No expenditure shall be made from this appropriation
44 until a certificate of approval of availability shall have been issued
45 by the director of the budget and filed with the state comptroller and a
46 copy filed with the chairperson of the senate finance committee and the
47 chairperson of the assembly ways and means committee. Such certificate
48 may be amended from time to time by the director of the budget and a
49 copy of each such amendment shall be filed with the state comptroller,
50 the chairperson of the senate finance committee and the chairperson of
51 the assembly ways and means committee.

52 S 3. This act shall take effect on the one hundred twentieth day after
53 it shall have become a law.