5564

2013-2014 Regular Sessions

IN ASSEMBLY

February 28, 2013

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing the Grow: Pride of New York program for nursery dealers using and selling New York state produced horticulture products

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

Section 1. The agriculture and markets law is amended by adding a new article 24-a to read as follows:

ARTICLE 24-A

GROW: PRIDE OF NEW YORK

SECTION 291. GROW: PRIDE OF NEW YORK.

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6 S 291. GROW: PRIDE OF NEW YORK. 1. FOR PURPOSES OF THIS ARTICLE, THE 7 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

8 (A) "NEW YORK PRODUCT" MEANS NEW YORK STATE HORTICULTURAL PRODUCTS 9 GROWN WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTAB-10 LISHED BY THE COMMISSIONER.

11 (B) "HORTICULTURE" MEANS ORNAMENTALS, NURSERY STOCK, SOD AND CHRISTMAS 12 TREES.

13 (C) "NURSERY DEALER" MEANS A SINGLE LOCATION OF A BUSINESS WHICH REGU-14 LARLY OPERATES FOR THE SALE OF HORTICULTURAL PRODUCTS AND RELATED ITEMS 15 FOR COMPENSATION.

16 2. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO DESIGN, 17 DEVELOP AND ADOPT AN OFFICIAL LOGO FOR GROW: PRIDE OF NEW YORK DEALERS 18 WHICH MAY BE DISPLAYED UPON THE PREMISES OF A NURSERY DEALER. A NURSERY BE ELIGIBLE FOR DESIGNATION AS A GROW: PRIDE OF NEW YORK 19 DEALER SHALL 20 NURSERY, IF NOT LESS THAN TWENTY-FIVE PERCENT OF THE HORTICULTURE PRODUCTS SOLD AT SUCH NURSERY ARE NEW YORK PRODUCTS. 21

3. A NURSERY DEALER LOCATED WITHIN THIS STATE MAY APPLY TO THE COMMIS-SIONER FOR DESIGNATION AS A GROW: PRIDE OF NEW YORK NURSERY. SUCH APPLI-

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

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1 CATION SHALL BE IN A MANNER AND FORM DETERMINED BY THE COMMISSIONER AND 2 SHALL INCLUDE, BUT NOT BE LIMITED TO:

3 (A) A LIST OF NEW YORK HORTICULTURE PRODUCTS USED AND SOLD BOTH ANNU-4 ALLY AND SEASONALLY BY THE NURSERY DEALER;

5 (B) THE NAMES OF THE NEW YORK PRODUCT PRODUCERS FROM WHOM SUCH 6 PRODUCTS WERE PURCHASED BY THE NURSERY DEALER;

7 (C) A ONE SENTENCE DESCRIPTION OF EACH HORTICULTURE ITEM OFFERED FOR 8 SALE BY THE NURSERY DEALER; AND

(D) ANY OTHER INFORMATION THE COMMISSIONER DEEMS RELEVANT.

10 4. A NURSERY DEALER WHICH MEETS AND COMPLIES WITH THE PROVISIONS OF THIS ARTICLE AND THE OFFICIAL STANDARDS, RULES AND REGULATIONS ESTAB-11 LISHED BY THE COMMISSIONER SHALL BE DESIGNATED AS A GROW: PRIDE OF NEW 12 YORK NURSERY DEALER. NURSERY DEALERS DESIGNATED AS GROW: PRIDE OF NEW 13 14 YORK NURSERIES WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 15 SHALL RECEIVE PROMOTIONAL AND ADVERTISING MATERIALS AS GROW: PRIDE OF NEW YORK NURSERIES FREE OF CHARGE. AFTER THE EXPIRATION OF SUCH ONE YEAR 16 PERIOD, THE COMMISSIONER MAY PROVIDE SUCH MATERIALS, AS HE OR SHE FEELS 17 NECESSARY, TO FULFILL THE GOALS AND PURPOSES OF THE GROW: PRIDE OF NEW 18 19 YORK PROGRAM.

5. THE DEPARTMENT SHALL ESTABLISH ON ITS DEPARTMENTAL WEBSITE A LINK DEDICATED TO THE GROW: PRIDE OF NEW YORK PROGRAM. THIS LINK SHALL INCLUDE THE NAME, LOCATION AND HOURS OF OPERATION OF EACH GROW: PRIDE OF NEW YORK NURSERY DEALER, AND EACH BUSINESS THAT SUCH NURSERY DEALER OBTAINED ITS NEW YORK PRODUCTS. THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND INDUSTRY MEMBERS, SHALL WORK TO PROMOTE GROW: PRIDE OF NEW YORK NURSERY DEALERS.

27 6. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE
28 SUCH RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
29 ARTICLE.

30 S 2. This act shall take effect on the first of January next succeed-31 ing the date on which it shall have become a law; provided, however, 32 that effective immediately, the addition, amendment and/or repeal of any 33 rule or regulation necessary for the implementation of this act on its 34 effective date is authorized to be made and completed on or before such 35 date.