S T A T E O F N E W Y O R K

5564

2013-2014 Regular Sessions

I N A S S E M B L Y

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.

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

(A) "NEW YORK PRODUCT" MEANS NEW YORK STATE HORTICULTURAL PRODUCTS GROWN WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTABLISHED BY THE COMMISSIONER.

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

(C) "NURSERY DEALER" MEANS A SINGLE LOCATION OF A BUSINESS WHICH REGULARLY OPERATES FOR THE SALE OF HORTICULTURAL PRODUCTS AND RELATED ITEMS FOR COMPENSATION.

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

3. A NURSERY DEALER LOCATED WITHIN THIS STATE MAY APPLY TO THE COMMISSIONER 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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CATION SHALL BE IN A MANNER AND FORM DETERMINED BY THE COMMISSIONER AND SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) A LIST OF NEW YORK HORTICULTURE PRODUCTS USED AND SOLD BOTH ANNUALLY AND SEASONALLY BY THE NURSERY DEALER;

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

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

(D) ANY OTHER INFORMATION THE COMMISSIONER DEEMS RELEVANT.

4. A NURSERY DEALER WHICH MEETS AND COMPLIES WITH THE PROVISIONS OF THIS ARTICLE AND THE OFFICIAL STANDARDS, RULES AND REGULATIONS ESTABLISHED BY THE COMMISSIONER SHALL BE DESIGNATED AS A GROW: PRIDE OF NEW YORK NURSERY DEALER. NURSERY DEALERS DESIGNATED AS GROW: PRIDE OF NEW YORK NURSERIES WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE SHALL RECEIVE PROMOTIONAL AND ADVERTISING MATERIALS AS GROW: PRIDE OF NEW YORK NURSERIES FREE OF CHARGE. AFTER THE EXPIRATION OF SUCH ONE YEAR PERIOD, THE COMMISSIONER MAY PROVIDE SUCH MATERIALS, AS HE OR SHE FEELS NECESSARY, TO FULFILL THE GOALS AND PURPOSES OF THE GROW: PRIDE OF NEW 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.

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

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