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I N A S S E M B L Y

April 8, 2014

Introduced by M. of A. MAGEE, CROUCH, FINCH, GUNTHER, HAWLEY, OTIS, ROSENTHAL, RUSSELL, SKOUFIS, STIRPE, JAFFEE, LUPINACCI, MAGNARELLI, MONTESANO, SEPULVEDA, PEOPLES-STOKES, TITONE -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CAMARA, CERETTO, COOK, DUPREY, GOTTFRIED, LUPARDO, McLAUGHLIN, ROBINSON, SIMANOWITZ, THIELE, WEISENBERG -- read once and referred to the Committee on Economic Development

AN ACT to amend the urban development corporation act, in relation to a young farmers NY fund

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

- 1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
2 the New York state urban development corporation act, is amended by
3 adding a new section 16-w to read as follows:
4 S 16-W. YOUNG FARMERS NY FUND. 1. THE YOUNG FARMERS NY FUND IS HEREBY
5 CREATED. THE PURPOSE OF THE YOUNG FARMERS NY FUND IS TO MAKE GRANTS TO
6 ELIGIBLE APPLICANTS, WITHIN AVAILABLE APPROPRIATIONS, TO SUPPORT YOUNG
7 FARMERS AND ENCOURAGE THEM TO CONSIDER FARMING AS A CAREER, RESULTING IN
8 THE GROWTH OF AGRIBUSINESS WITHIN THE STATE AND THE CONCOMITANT CREATION
9 OF JOBS AND TAX REVENUES FOR THE STATE.
10 2. THE CORPORATION SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE
11 AND MARKETS IN ORDER TO ESTABLISH SUCH CRITERIA GOVERNING THE AWARD OF
12 GRANTS AS AUTHORIZED HEREIN, AS THE CORPORATION AND SUCH DEPARTMENT DEEM
13 NECESSARY. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE LIMITED TO:
14 (I) FARMERS WHO HAVE NOT PRODUCED AN "AGRICULTURAL PRODUCT" AS DEFINED
15 IN THE AGRICULTURE AND MARKETS LAW, FOR MORE THAN TEN CONSECUTIVE YEARS,
16 AND WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN THE PRODUCTION
17 OF AN AGRICULTURAL PRODUCT WITHIN THE STATE.
18 (II) FARMERS WHO DEMONSTRATE INNOVATIVE AGRICULTURAL TECHNIQUES
19 INCLUDING, BUT NOT LIMITED TO, ORGANIC FARMING AND SPECIALTY CROPS.
20 (III) THE ANTICIPATED NUMBER OF AGRICULTURAL JOBS WHICH WOULD BE
21 CREATED OR RETAINED.
22 (IV) FARMS OF ONE HUNDRED FIFTY ACRES OR LESS.
23 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE PROCESS FOR THE EVAL-
24 UATION OF APPLICANTS FOR THE YOUNG FARMER NY FUND. WHEN AWARDING FUNDS

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

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1 PURSUANT TO THIS SECTION, THE CORPORATION SHALL ENSURE THAT APPLICANTS
2 MEET THE CRITERIA AND REQUIREMENTS DETERMINED BY THE CORPORATION PURSU-
3 ANT TO THIS SECTION. THE CORPORATION SHALL DISTRIBUTE FUNDS PROMPTLY
4 PURSUANT TO A DISBURSEMENT PROCESS AGREED TO BETWEEN THE CORPORATION AND
5 APPLICANT.

6 4. THE YOUNG FARMER NY FUND SHALL NOT INVEST AN AMOUNT IN ANY SINGLE
7 BENEFICIARY THAT EXCEEDS FIFTY THOUSAND DOLLARS, SUBJECT TO ANY
8 EXCEPTIONS TO BE ESTABLISHED BY RULES AND REGULATIONS OF THE CORPO-
9 RATION.

10 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE CORPO-
11 RATION MAY ESTABLISH A PROGRAM FUND FOR PROGRAM USE AND PAY INTO SUCH
12 FUND ANY ELIGIBLE FUNDS AVAILABLE TO THE CORPORATION FROM ANY SOURCE,
13 INCLUDING MONEYS APPROPRIATED BY THE STATE.

14 6. THE CORPORATION SHALL SUBMIT A REPORT ANNUALLY ON DECEMBER THIRTY-
15 FIRST TO THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE
16 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE
17 AND THE MINORITY LEADER OF THE ASSEMBLY DETAILING (A) THE TOTAL AMOUNT
18 OF FUNDS COMMITTED TO EACH APPLICANT THAT RECEIVES FUNDS AND THE AMOUNT
19 OF SUCH FUNDS THAT HAS BEEN INVESTED BY EACH SUCH APPLICANT; (B) THE
20 AMOUNT OF YOUNG FARMERS NY AND PRIVATE FUNDS INVESTED IN EACH APPLICANT;
21 (C) THE LOCATION OF EACH APPLICANT; (D) THE NUMBER OF JOBS PROJECTED TO
22 BE CREATED OR RETAINED; AND (E) SUCH OTHER INFORMATION AS THE CORPO-
23 RATION DEEMS NECESSARY.

24 7. THE CORPORATION IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGU-
25 LATIONS IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT AS ARE
26 NECESSARY TO FULFILL THE PURPOSES OF THIS SECTION, INCLUDING WITH
27 RESPECT TO REASONABLE MANAGEMENT FEES, PROMOTES, SHARE OF RETURN AND
28 OTHER FEES AND CHARGES OF APPLICANTS THAT RECEIVE FUNDS, AND TO PROVIDE
29 FOR THE REPAYMENT OF FUNDS RECEIVED BY THE BENEFICIARY IF THE BENEFICI-
30 ARY LEAVES NEW YORK STATE WITHIN A PERIOD OF TIME TO BE ESTABLISHED BY
31 THE CORPORATION.

32 S 2. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law; provided, however, that any rules or regu-
34 lations necessary for the timely implementation of this act on its
35 effective date, may be promulgated on or before such effective date.