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I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. SANTABARBARA, ORTIZ, MONTESANO, CROUCH, SKOUFIS, BLANKENBUSH, DUPREY, COOK, PALMESANO, HOOPER, GOODELL, NOJAY -- Multi-Sponsored by -- M. of A. BARCLAY, BLAKE, BRENNAN, LOPEZ, LUPI- NACCI, MARKEY, McLAUGHLIN -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommit- ted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law and the New York state urban development corporation act, in relation to creating a farm investment fund

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

1 Section 1. Section 16 of the agriculture and markets law is amended by
2 adding a new subdivision 49 to read as follows:
3 49. COOPERATE WITH THE EMPIRE STATE DEVELOPMENT CORPORATION TO DEVELOP
4 A FARM INVESTMENT FUND PROGRAM TO PROVIDE GRANTS TO FARMERS FOR THE
5 PURPOSES OF MAKING INVESTMENTS IN THEIR FARM AND FARM PRACTICES, INCLUD-
6 ING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT AND MARKETING OF FARM
7 PRODUCTS. SUCH INVESTMENTS MAY ALSO INCLUDE UPDATING AND IMPROVING AGRI-
8 CULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTICLE ELEVEN-A OF
9 THIS CHAPTER, PRACTICES, EQUIPMENT AND INFRASTRUCTURE. FARM INVESTMENT
10 IS ESPECIALLY IMPORTANT FOR FARMS THAT ARE BEING TRANSITIONED FROM
11 LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING FARMERS.
12 S 2. Section 1 of chapter 174 of the laws of 1968, constituting the
13 New York state urban development corporation act, is amended by adding a
14 new section 16-x to read as follows:
15 S 16-X. FARM INVESTMENT FUND. 1. THE FARM INVESTMENT FUND IS HEREBY
16 CREATED. THE PURPOSE OF THE FARM INVESTMENT FUND IS TO MAKE GRANTS TO

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

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1 ELIGIBLE APPLICANTS FOR INVESTMENTS IN THEIR FARM AND FARM PRACTICES,
2 INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT AND MARKETING
3 OF FARM PRODUCTS. SUCH INVESTMENT MAY ALSO INCLUDE UPDATING AND IMPROV-
4 ING AGRICULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTICLE
5 ELEVEN-A OF THE AGRICULTURE AND MARKETS LAW, PRACTICES, EQUIPMENT AND
6 INFRASTRUCTURE. FARM INVESTMENT IS ESPECIALLY IMPORTANT FOR FARMS THAT
7 ARE BEING TRANSITIONED FROM LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING
8 FARMERS.

9 2. THE CORPORATION SHALL CONSULT WITH THE DEPARTMENT OF AGRICULTURE
10 AND MARKETS IN ORDER TO ESTABLISH SUCH CRITERIA GOVERNING THE AWARD OF
11 GRANTS AS AUTHORIZED BY THIS SECTION, AS THE CORPORATION AND SUCH
12 DEPARTMENT DEEM NECESSARY. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE
13 LIMITED TO:

14 (A) FARMERS WHO WILL MATERIALLY AND SUBSTANTIALLY PARTICIPATE IN THE
15 PRODUCTION OF AN AGRICULTURAL PRODUCT WITHIN A REGION OF THE STATE;

16 (B) FARMERS WHO DEMONSTRATE INNOVATIVE PLANS FOR INVESTING IN THEIR
17 FARMS THAT WOULD RESULT IN THE GROWTH OF BUSINESS WITHIN THE STATE AND
18 THE CONCOMITANT CREATION OF JOBS AND TAX REVENUES FOR THE STATE; AND

19 (C) FARMERS WHO HAVE DEVELOPED A FORMAL BUSINESS PLAN.

20 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE RATING PROCESS FOR
21 THE EVALUATION OF APPLICANTS FOR THE FARM INVESTMENT FUND. SUCH RATING
22 CRITERIA TO BE CONSIDERED FOR ELIGIBILITY INCLUDE, BUT ARE NOT LIMITED
23 TO:

24 (A) PLANS THAT SHOW CONCRETE STEPS FOR GROWTH, PROTECTION OF ASSETS
25 AND SALES DEVELOPMENT;

26 (B) EDUCATION, INCLUDING A POST SECONDARY DEGREE IN AN AGRICULTURE
27 RELATED FIELD OF STUDY OR ONLINE TRAINING; AND

28 (C) EXPERIENCE WORKING ON A FARM.

29 THE CORPORATION MAY GIVE PREFERENCE TO VETERANS, THOSE TRANSFERRING A
30 FAMILY FARM TO A NEW FARMER AND TO FARMERS EXPANDING AN EXISTING FARM.
31 WHEN AWARDING FUNDS PURSUANT TO THIS SECTION, THE CORPORATION SHALL
32 ENSURE THAT APPLICANTS MEET THE CRITERIA AND REQUIREMENTS ESTABLISHED BY
33 THE CORPORATION PURSUANT TO THIS SECTION.

34 4. THE FARM INVESTMENT FUND SHALL NOT INVEST AN AMOUNT IN ANY SINGLE
35 BENEFICIARY THAT EXCEEDS FIFTY THOUSAND DOLLARS, SUBJECT TO ANY
36 EXCEPTIONS TO BE ESTABLISHED BY GUIDELINES OF THE CORPORATION.

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

41 6. THE CORPORATION SHALL SUBMIT A REPORT ANNUALLY ON DECEMBER THIRTY-
42 FIRST TO THE DIRECTOR OF THE BUDGET, THE TEMPORARY PRESIDENT OF THE
43 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE
44 AND THE MINORITY LEADER OF THE ASSEMBLY DETAILING:

45 (A) THE TOTAL AMOUNT OF FUNDS COMMITTED TO EACH APPLICANT;

46 (B) THE LOCATION OF EACH APPLICANT; AND

47 (C) SUCH OTHER INFORMATION AS THE CORPORATION DEEMS NECESSARY.

48 7. THE CORPORATION IS HEREBY AUTHORIZED TO ESTABLISH GUIDELINES FOR
49 THE ADMINISTRATION OF THE PROGRAM, INCLUDING APPLICATION PROCEDURES AND
50 DISBURSEMENT TERMS. SUCH GUIDELINES SHALL REQUIRE THE REPAYMENT OF FUNDS
51 RECEIVED BY THE BENEFICIARY IF THE BENEFICIARY LEAVES NEW YORK STATE OR
52 OTHERWISE CEASES FARMING ACTIVITY WITHIN FIVE YEARS. ANY SUCH REPAID
53 MONEYS SHALL BE RETURNED TO THE FARM INVESTMENT FUND.

54 S 3. Funding for such program shall consist of all revenue received
55 pursuant to an appropriation thereto, and all other monies appropriated,
56 credited or transferred from any other source pursuant to law. Nothing

1 in this section shall be deemed to prevent the state from receiving
2 grants, gifts or bequests for the purpose of the program. Grants shall
3 only be awarded based upon the availability of funds.
4 S 4. This act shall take effect on the first of April next succeeding
5 the date on which it shall have become a law; provided, however, that
6 effective immediately, the addition, amendment and/or repeal of any rule
7 or regulation necessary for the implementation of this act on its effec-
8 tive date is authorized to be made and completed on or before such date.