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

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I N A S S E M B L Y

February 10, 2016

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

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

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

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 48 to read as follows:

48. COOPERATE WITH THE EMPIRE STATE DEVELOPMENT CORPORATION TO DEVELOP A SMALL FARM MODERNIZATION FUND PROGRAM TO PROVIDE GRANTS TO FARMERS FOR THE PURPOSES OF MODERNIZING THEIR FARM AND FARM PRACTICES, INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT, CROPS, ANIMALS AND MARKETING OF FARM PRODUCTS. SUCH MODERNIZATION MAY ALSO INCLUDE UPDATING AND IMPROVING AGRICULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTICLE ELEVEN-A OF THIS CHAPTER, PRACTICES, EQUIPMENT AND INFRASTRUCTURE. FARM MODERNIZATION IS ESPECIALLY IMPORTANT FOR FARMS THAT ARE BEING TRANSITIONED FROM LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING FARMERS. FOR THE PURPOSES OF THIS PROGRAM THE TERM "SMALL FARM" SHALL MEAN A FARM OF ONE HUNDRED FIFTY ACRES OR LESS.

S 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-x to read as follows:

S 16-X. SMALL FARM MODERNIZATION FUND. 1. THE SMALL FARM MODERNIZATION FUND IS HEREBY CREATED. THE PURPOSE OF THE SMALL FARM MODERNIZATION FUND IS TO MAKE GRANTS TO ELIGIBLE APPLICANTS FOR MODERNIZING THEIR FARM AND FARM PRACTICES, INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT, CROPS, ANIMALS, AND MARKETING OF FARM PRODUCTS. SUCH MODERNIZATION MAY ALSO INCLUDE UPDATING AND IMPROVING AGRICULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTICLE ELEVEN-A OF THE AGRICULTURE AND MARKETS LAW, PRACTICES, EQUIPMENT AND INFRASTRUCTURE. FARM MODERNIZATION IS ESPECIALLY IMPORTANT FOR FARMS THAT ARE BEING TRANSITIONED FROM LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING FARMERS.

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

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

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

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

(C) FARMS OF ONE HUNDRED FIFTY ACRES OR LESS.

3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE PROCESS FOR THE EVALUATION OF APPLICANTS FOR THE SMALL FARM MODERNIZATION FUND. WHEN AWARDING FUNDS PURSUANT TO THIS SECTION, THE CORPORATION SHALL ENSURE THAT APPLICANTS MEET THE CRITERIA AND REQUIREMENTS ESTABLISHED BY THE CORPORATION PURSUANT TO THIS SECTION.

4. THE SMALL FARM MODERNIZATION FUND SHALL NOT INVEST AN AMOUNT IN ANY SINGLE BENEFICIARY THAT EXCEEDS TWENTY-FIVE THOUSAND DOLLARS, SUBJECT TO ANY EXCEPTIONS TO BE ESTABLISHED BY GUIDELINES OF THE CORPORATION.

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

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

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

(B) THE LOCATION OF EACH APPLICANT; AND

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

7. THE CORPORATION IS HEREBY AUTHORIZED TO ESTABLISH GUIDELINES FOR THE ADMINISTRATION OF THE PROGRAM, INCLUDING APPLICATION PROCEDURES AND DISBURSEMENT TERMS, AND TO PROVIDE FOR THE REPAYMENT OF FUNDS RECEIVED BY THE BENEFICIARY IF THE BENEFICIARY LEAVES NEW YORK STATE OR OTHERWISE CEASES FARMING ACTIVITY WITHIN A PERIOD OF TIME TO BE ESTABLISHED BY THE CORPORATION.

S 3. This act shall take effect on the first of April 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.