1226

2015-2016 Regular Sessions

IN SENATE

January 9, 2015

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to providing matching funds for eligible applicants in the Hudson Valley agricultural regional marketing program

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

Section 1. The economic development law is amended by adding a new 1 2 article 15 to read as follows: 3

ARTICLE 15

HUDSON VALLEY AGRICULTURAL REGIONAL MARKETING PROGRAM SECTION 280. DEFINITIONS.

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281. MATCHING FUNDS FOR ELIGIBLE APPLICANTS.

282. APPLICATION PROCESS.

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283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS.

284. REPORTING REQUIREMENTS.

280. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS A DIFFERENT MEAN-10 S ING APPEARS FROM THE CONTEXT, THE FOLLOWING WORDS AND TERMS 11 SHALL HAVE 12 THE FOLLOWING MEANINGS:

"ELIGIBLE APPLICANT" MEANS ANY NOT-FOR-PROFIT CORPORATION OR OTHER 13 1. NONPROFIT ORGANIZATION, ASSOCIATION, OR AGENCY THAT IS DESIGNATED BY 14 15 RESOLUTION OF THE SEVERAL COUNTY LEGISLATURES OR OTHER GOVERNING BODIES OF COUNTIES WITHIN THE HUDSON VALLEY REGION OF THE STATE, AS AN 16 AGENCY 17 AUTHORIZED TO MAKE APPLICATION FOR AND RECEIVE GRANTS FOR THE PURPOSES SPECIFIED IN THIS ARTICLE. 18

19 2. "RECOGNIZED ADVERTISING" MEANS MEDIA ADVERTISING AND PROMOTIONAL MATERIALS TO BE BROADCAST, DISSEMINATED, OR OTHERWISE DISTRIBUTED IN 20 21 ACCORDANCE WITH A PLAN APPROVED BY THE COMMISSIONER.

3. "REGION" MEANS THE HUDSON VALLEY REGION OF THE STATE, AS DETERMINED 22 23 BY THE COMMISSIONER.

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

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1 4. "REGIONAL MARKETING PROGRAM" MEANS THE USE OF MEDIA ADVERTISING AND 2 PROMOTIONAL MATERIALS FOR PURPOSES OF MARKETING AGRICULTURAL PRODUCTS OF 3 THE REGION.

5. "STRATEGIC ALLIANCE" MEANS AN INFORMAL OR FORMAL ASSOCIATION OF
AGRICULTURAL PRODUCERS ESTABLISHED FOR THE PURPOSE OF SOLVING COMMON
PROBLEMS AND ENGAGING IN COOPERATIVE ACTIVITIES AND THAT IS CONSIDERED
TO BE CRITICAL TO THE AGRICULTURAL ECONOMY OF THE REGION.

8 S 281. MATCHING FUNDS FOR ELIGIBLE APPLICANTS. 1. THE COMMISSIONER, IN 9 FURTHERANCE OF THE OBJECTIVES OF THE REGIONAL AGRICULTURAL MARKETING 10 PROGRAM, IS AUTHORIZED TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS 11 FOR THE PURPOSE OF IMPLEMENTATION OF THE REGIONAL MARKETING PROGRAM AS 12 DEFINED IN SUBDIVISION FOUR OF SECTION TWO HUNDRED EIGHTY OF THIS ARTI-13 CLE; PROVIDED, HOWEVER, THAT:

14 (A) NO SUCH MATCHING FUNDS SHALL EXCEED THE SUM OF FIVE HUNDRED THOU-15 SAND DOLLARS OR FIFTY PERCENT OF THE TOTAL COST OF IMPLEMENTATION OF THE 16 REGIONAL MARKETING PLAN, WHICHEVER IS LESS;

17 (B) NO SUCH MATCHING FUNDS SHALL BE USED FOR ADMINISTRATIVE COSTS, 18 INCLUDING SALARIES, ASSOCIATED WITH THE IMPLEMENTATION OF THE REGIONAL 19 AGRICULTURAL MARKETING PLAN;

(C) NO SUCH MATCHING FUNDS SHALL BE USED FOR THE DIRECT BENEFIT OF A
 FOR-PROFIT AGRICULTURAL PRODUCER OR MARKETER UNLESS SUCH EXPENDITURE
 SHALL FURTHER A PUBLIC PURPOSE AND HAVE A CLEAR, LONG-TERM BENEFIT TO
 THE REGIONAL AGRICULTURAL ECONOMY.

24 2. THE COMMISSIONER IS AUTHORIZED TO MATCH FUNDS EXPENDED BY AN ELIGI25 BLE APPLICANT IF THE ELIGIBLE APPLICANT REPRESENTS ONE OR MORE COUNTIES,
26 BUT FEWER THAN EACH OF THE SEVERAL COUNTIES, IN THE STATE ECONOMIC
27 DEVELOPMENT REGION.

282. APPLICATION PROCESS. 1. THE COMMISSIONER, UPON INVESTIGATION 28 S AND RECEIPT OF CERTIFIED COPIES OF SUCH RESOLUTIONS AS MAY BE NECESSARY 29 SATISFY HIM OR HER THAT AN ELIGIBLE APPLICANT HAS BEEN DULY DESIG-30 TO NATED TO REPRESENT THE REGION, SHALL RECOGNIZE SUCH ELIGIBLE APPLICANT 31 32 THE SOLE SUCH APPLICANT WITHIN THE REGION. IN THE EVENT THAT EACH OF AS THE SEVERAL COUNTIES WITHIN THE REGION IS UNABLE OR UNWILLING TO DESIG-33 NATE A SINGLE APPLICANT TO REPRESENT THE REGION, OR IS UNABLE OR UNWILL-34 TO ENCUMBER FUNDS PURSUANT TO SECTION TWO HUNDRED EIGHTY-THREE OF 35 ING THIS ARTICLE, ONE OR MORE COUNTIES WITHIN THE REGION MAY DESIGNATE AN 36 37 ELIGIBLE APPLICANT TO REPRESENT THE REGION. IN REVIEWING SUCH APPLICA-38 TIONS, THE COMMISSIONER MAY SELECT FROM AMONG COMPETING OR OVERLAPPING 39 APPLICATIONS THE APPLICATION THAT THE COMMISSIONER CONSIDERS TO BE OF 40 GREATER BENEFIT TO THE REGION AND THE WELFARE OF THE PEOPLE OF THE 41 STATE.

THE COMMISSIONER IS AUTHORIZED TO ACCEPT AND SET REASONABLE DEAD-42 2. 43 LINES FOR THE SUBMISSION OF APPLICATIONS FOR EACH FISCAL YEAR COVERED BY 44 APPROPRIATIONS IN ORDER TO MATCH FUNDS EXPENDED BY ELIGIBLE APPLICANTS 45 FOR THE PURPOSE OF THE IMPLEMENTATION OF THE REGIONAL MARKETING PROGRAM. IN REVIEWING AND SELECTING APPLICATIONS FROM ELIGIBLE APPLICANTS FOR 46 47 ASSISTANCE UNDER THIS PROGRAM, THE COMMISSIONER SHALL ENSURE THAT EACH 48 APPLICATION FOR SUCH FUNDS SHALL HAVE THEREIN SET FORTH THE SCHEDULE, 49 BUDGET, SCOPE, AND THEME OF THE PROPOSED REGIONAL AGRICULTURAL MARKETING 50 PROGRAM TO BE UNDERTAKEN FOR THE PURPOSE OF ENCOURAGING AND STIMULATING 51 AGRICULTURAL MARKETING WITHIN THE REGION OF THE STATE.

52 3. NOTHING SHALL LIMIT AN ELIGIBLE APPLICANT FROM CREATING A REGIONAL 53 AGRICULTURAL MARKETING PROGRAM WITH ANOTHER STATE, TERRITORY, PROTECTOR-54 ATE, DEPENDENCY, OR COUNTRY.

55 S 283. PAYMENTS OF FUNDS TO ELIGIBLE APPLICANTS. 1. UPON SUBMISSION 56 AND APPROVAL OF EACH APPLICATION AND THE AUTHORIZATION OF FUNDS BY THE

COMMISSIONER IN ACCORDANCE THEREWITH, THE COMMISSIONER SHALL GIVE NOTICE 1 TO THE ELIGIBLE APPLICANT OF SUCH APPROVAL AND AUTHORIZATION AND SHALL 2 3 DIRECT SUCH ELIGIBLE APPLICANT TO PROCEED WITH ITS PROPOSED AGRICULTURAL 4 MARKETING PROGRAM AS DESCRIBED IN ITS APPLICATION. UPON THE FURNISHING 5 OF SATISFACTORY EVIDENCE TO THE DEPARTMENT THAT THE SEVERAL COUNTY 6 LEGISLATURES OR OTHER GOVERNING BODIES OF THE COUNTIES IDENTIFIED IN THE 7 APPLICATION HAVE ENCUMBERED FUNDS IN THE AMOUNT COMMITTED AND APPROVED 8 BY THE COMMISSIONER, THE STATE MATCHING FUNDS ALLOCATED TO SUCH ELIGIBLE APPLICANT SHALL BE PAID, FROM THE FUNDS APPROPRIATED FOR SUCH PURPOSE, 9 10 PURSUANT TO THIS ARTICLE. ANY STATE FUNDS SO PAID MAY BE EXPENDED ONLY ON A MATCHING BASIS AND ONLY WITHIN TWELVE MONTHS OF SUCH PAYMENT, 11 UNLESS AN EXTENSION OF TIME HAS BEEN REQUESTED AND, UPON SHOWING OF GOOD 12 13 CAUSE, GRANTED BY THE COMMISSIONER.

14 2. NO ADVERTISING OR MARKETING FUNDED FOR THE PURPOSES OF THIS ARTICLE
15 SHALL CONTAIN REFERENCE TO OR THE NAME OF ANY PUBLIC OFFICIAL OF THE
16 STATE OF NEW YORK OR ITS POLITICAL SUBDIVISIONS. "REFERENCE" INCLUDES
17 BUT IS NOT LIMITED TO PHOTOGRAPHS, DRAWINGS, CARICATURES, QUOTATIONS,
18 INVITATIONS, SIGNATURES, ENDORSEMENTS, OR SOUND OR VIDEO RECORDINGS.

19 S 284. REPORTING REQUIREMENTS. 1. IN ACCORDANCE WITH GENERALLY 20 ACCEPTED ACCOUNTING PRINCIPLES, EACH ELIGIBLE APPLICANT SHALL FURNISH AN 21 ANNUAL FINANCIAL STATEMENT TO THE COMMISSIONER. SUCH REPORTS SHALL BE 22 SUBMITTED ON OR BEFORE JANUARY FIRST OF EACH YEAR.

2. THE DEPARTMENT SHALL ANNUALLY, ON OR BEFORE MARCH FIRST, SUBMIT TO 23 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF 24 25 THE ASSEMBLY A REPORT ON THE ACTIVITIES OF THE REGIONAL AGRICULTURAL MARKETING MATCHING FUNDS PROGRAM. SUCH REPORT SHALL INCLUDE A SUMMARY OF 26 THE FINANCIAL STATEMENTS RECEIVED BY THE DEPARTMENT FROM ELIGIBLE APPLI-27 CANTS, A SUMMARY OF ACTIVITIES CONDUCTED BY ELIGIBLE APPLICANTS, AND 28 ANALYSES OF THE EFFECTIVENESS OF THE PROGRAM IN STIMULATING AGRICULTURAL 29 MARKETING. AS A PRODUCT OF SUCH ANALYSES, THE DEPARTMENT SHALL COMPILE 30 AND DISSEMINATE TO EACH ELIGIBLE APPLICANT A LIST AND DESCRIPTION OF 31 32 BEST PRACTICES IN ORDER TO FURTHER PROMOTE AND ENCOURAGE AGRICULTURAL MARKETING IN THE STATE AND THE EXPANSION AND DEVELOPMENT OF NEW MARKETS 33 34 FOR NEW YORK AGRICULTURAL PRODUCTS.

35 S 2. This act shall take effect immediately.