

1102

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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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 -- 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-x to read as follows:  
4     S 16-X. 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.

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

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1 (IV) FARMS OF ONE HUNDRED FIFTY ACRES OR LESS.

2 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE PROCESS FOR THE EVAL-  
3 UATION OF APPLICANTS FOR THE YOUNG FARMER NY FUND. WHEN AWARDING FUNDS  
4 PURSUANT TO THIS SECTION, THE CORPORATION SHALL ENSURE THAT APPLICANTS  
5 MEET THE CRITERIA AND REQUIREMENTS DETERMINED BY THE CORPORATION PURSU-  
6 ANT TO THIS SECTION. THE CORPORATION SHALL DISTRIBUTE FUNDS PROMPTLY  
7 PURSUANT TO A DISBURSEMENT PROCESS AGREED TO BETWEEN THE CORPORATION AND  
8 APPLICANT.

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

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

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

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

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