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I N   S E N A T E

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Introduced by Sens. FUNKE, LARKIN, MARCHIONE, PANEPINTO, RITCHIE, VALE-SKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 ASSEMBLY, 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.

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

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

4 S 16-X. FARM INVESTMENT FUND. 1. THE FARM INVESTMENT FUND IS HEREBY  
5 CREATED. THE PURPOSE OF THE FARM INVESTMENT FUND IS TO MAKE GRANTS TO  
6 ELIGIBLE APPLICANTS FOR INVESTMENTS IN THEIR FARM AND FARM PRACTICES,  
7 INCLUDING, BUT NOT LIMITED TO, INFRASTRUCTURE, EQUIPMENT AND MARKETING  
8 OF FARM PRODUCTS. SUCH INVESTMENT MAY ALSO INCLUDE UPDATING AND IMPROV-  
9 ING AGRICULTURAL ENVIRONMENTAL MANAGEMENT, AS DEFINED IN ARTICLE  
10 ELEVEN-A OF THE AGRICULTURE AND MARKETS LAW, PRACTICES, EQUIPMENT AND  
11 INFRASTRUCTURE. FARM INVESTMENT IS ESPECIALLY IMPORTANT FOR FARMS THAT  
12 ARE BEING TRANSITIONED FROM LONG-TIME OWNERS TO NEW OWNERS AND BEGINNING  
13 FARMERS.

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

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

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

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

25 3. THE CORPORATION SHALL ESTABLISH A COMPETITIVE RATING PROCESS FOR  
26 THE EVALUATION OF APPLICANTS FOR THE FARM INVESTMENT FUND. SUCH RATING  
27 CRITERIA TO BE CONSIDERED FOR ELIGIBILITY INCLUDE, BUT ARE NOT LIMITED  
28 TO:

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

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

33 (C) EXPERIENCE WORKING ON A FARM.

34 THE CORPORATION MAY GIVE PREFERENCE TO VETERANS, THOSE TRANSFERRING A  
35 FAMILY FARM TO A NEW FARMER AND TO FARMERS EXPANDING AN EXISTING FARM.  
36 WHEN AWARDING FUNDS PURSUANT TO THIS SECTION, THE CORPORATION SHALL  
37 ENSURE THAT APPLICANTS MEET THE CRITERIA AND REQUIREMENTS ESTABLISHED BY  
38 THE CORPORATION PURSUANT TO THIS SECTION.

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

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

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

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

51 (B) THE LOCATION OF EACH APPLICANT; AND

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

53 7. THE CORPORATION IS HEREBY AUTHORIZED TO ESTABLISH GUIDELINES FOR  
54 THE ADMINISTRATION OF THE PROGRAM, INCLUDING APPLICATION PROCEDURES AND  
55 DISBURSEMENT TERMS. SUCH GUIDELINES SHALL REQUIRE THE REPAYMENT OF FUNDS  
56 RECEIVED BY THE BENEFICIARY IF THE BENEFICIARY LEAVES NEW YORK STATE OR

1 OTHERWISE CEASES FARMING ACTIVITY WITHIN FIVE YEARS. ANY SUCH REPAID  
2 MONEYS SHALL BE RETURNED TO THE FARM INVESTMENT FUND.

3 S 3. Funding for such program shall consist of all revenue received  
4 pursuant to an appropriation thereto, and all other monies appropriated,  
5 credited or transferred from any other source pursuant to law. Nothing  
6 in this section shall be deemed to prevent the state from receiving  
7 grants, gifts or bequests for the purpose of the program. Grants shall  
8 only be awarded based upon the availability of funds.

9 S 4. This act shall take effect on the first of April next succeeding  
10 the date on which it shall have become a law; provided, however, that  
11 effective immediately, the addition, amendment and/or repeal of any rule  
12 or regulation necessary for the implementation of this act on its effec-  
13 tive date is authorized to be made and completed on or before such date.