

4476

2009-2010 Regular Sessions

I N   S E N A T E

April 23, 2009

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Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the farmland protection program

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

1     Section 1. Subdivision 2 of section 325 of the agriculture and markets  
2 law, as amended by chapter 413 of the laws of 1996, paragraphs (a) and  
3 (b) as amended by chapter 527 of the laws of 2005, is amended to read as  
4 follows:  
5     2. (a) A county agricultural and farmland protection board, two such  
6 boards acting jointly, a municipality or two such municipalities acting  
7 jointly shall make application to the commissioner in such manner as the  
8 commissioner may prescribe. Application for state assistance payments  
9 for planning activities may be made at any time after the county agri-  
10 cultural and farmland protection board has formed and has elected a  
11 chairperson. A county agricultural and farmland protection board may  
12 make application for state assistance payments for plan implementation  
13 at any time after the commissioner has approved a county agricultural  
14 and farmland protection plan pursuant to section three hundred twenty-  
15 four of this article. Application made jointly by two county agricul-  
16 tural and farmland protection boards may be made after such agricultural  
17 and farmland protection plan is approved by each county pursuant to the  
18 provisions of section three hundred twenty-four of this article. STATE  
19 ASSISTANCE PAYMENTS TO SUCH COUNTIES SHALL NOT EXCEED SEVENTY-FIVE  
20 PERCENT OF THE COST OF IMPLEMENTING THE COUNTY AGRICULTURAL AND FARMLAND  
21 PROTECTION PLAN OR PORTION OF THE PLAN FOR WHICH STATE ASSISTANCE HAS  
22 BEEN REQUESTED. THE COMMISSIONER MAY REQUIRE SUCH INFORMATION OR ADDI-  
23 TIONAL PLANNING AS HE OR SHE DEEMS NECESSARY TO EVALUATE SUCH A REQUEST  
24 FOR STATE ASSISTANCE.

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

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1 (b) Within a county, a municipality which has in place a local farm-  
2 land protection plan may apply and shall be eligible for agricultural  
3 protection state assistance payments to implement its plan, or a portion  
4 of its plan, provided the proposed project is endorsed for funding by  
5 the agricultural and farmland protection board for the county in which  
6 the municipality is located and that any plan developed on or after  
7 January first, two thousand six complies with section three hundred  
8 twenty-four-a of this article. State assistance payments to such munici-  
9 palities shall not exceed seventy-five percent of the cost of implement-  
10 ing the local plan or portion of the plan for which state assistance has  
11 been requested. The commissioner may require such information or addi-  
12 tional planning as he or she deems necessary to evaluate such a request  
13 for state assistance.

14 (c) A NOT-FOR-PROFIT CONSERVATION ORGANIZATION MAY APPLY AND SHALL BE  
15 ELIGIBLE FOR AGRICULTURAL PROTECTION STATE ASSISTANCE PAYMENTS TO IMPL-  
16 MENT A COUNTY OR MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN  
17 APPROVED BY THE COMMISSIONER PROVIDED THAT THE PROPOSED PROJECT IS  
18 ENDORSED FOR FUNDING BY THE COUNTY AGRICULTURAL AND FARMLAND PROTECTION  
19 BOARD FOR THE COUNTY IN WHICH THE PROPOSED PROJECT IS LOCATED. THE  
20 PROPOSED PROJECT MUST ALSO BE ENDORSED FOR FUNDING BY THE MUNICIPALITY  
21 IN WHICH THE PROPOSED PROJECT IS LOCATED IF THE NOT-FOR-PROFIT CONSERVA-  
22 TION ORGANIZATION IS SEEKING AGRICULTURAL PROTECTION STATE ASSISTANCE  
23 PAYMENTS TO IMPLEMENT AN APPROVED MUNICIPAL AGRICULTURAL AND FARMLAND  
24 PROTECTION PLAN. STATE ASSISTANCE PAYMENTS TO SUCH NOT-FOR-PROFIT ORGAN-  
25 IZATIONS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE COST OF IMPLEMENT-  
26 ING THE LOCAL PLAN OR PORTION OF THE PLAN FOR WHICH STATE ASSISTANCE HAS  
27 BEEN REQUESTED. THE COMMISSIONER MAY REQUIRE SUCH INFORMATION OR ADDI-  
28 TIONAL PLANNING AS HE OR SHE DEEMS NECESSARY TO EVALUATE SUCH A REQUEST  
29 FOR STATE ASSISTANCE.

30 (D) In evaluating applications for funding, the commissioner shall  
31 give priority to projects intended to preserve viable agricultural land  
32 as defined in section three hundred one of this chapter; that are in  
33 areas facing significant development pressure; and that serve as a buff-  
34 er for a significant natural public resource containing important  
35 ecosystem or habitat characteristics.

36 S 2. This act shall take effect immediately.