

4718

2011-2012 Regular Sessions

I N S E N A T E

April 15, 2011

Introduced by Sen. RITCHIE -- (at request of the Department of Agriculture and Markets) -- 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, the environmental conservation law and the soil and water conservation districts law, in relation to the membership of county agricultural and farmland protection boards, authorization to hold conservation easements, and funding agricultural nonpoint source abatement and control projects

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

1 Section 1. Paragraph (a) of subdivision 1 of section 302 of the agri-
2 culture and markets law, as amended by chapter 235 of the laws of 1995,
3 is amended to read as follows:
4 (a) A county legislative body may establish a county agricultural and
5 farmland protection board which shall consist of eleven members, at
6 least four of whom shall be active OR RETIRED farmers. At least one
7 member of such board shall represent agribusiness and one member may
8 represent an organization dedicated to agricultural land preservation.
9 These six members of the board shall reside within the county which the
10 respective board serves. The members of the board shall also include the
11 chairperson of the county soil and water conservation district's board
12 of directors OR AN EMPLOYEE OF THE COUNTY SOIL AND WATER CONSERVATION
13 DISTRICT DESIGNATED BY THE CHAIRPERSON, a member of the county legisla-
14 tive body, a county cooperative extension agent, the county planning
15 director and the county director of real property tax services. The
16 chairperson shall be chosen by majority vote. Such board shall be estab-
17 lished in the event no such board exists at the time of receipt by the
18 county legislative body of a petition for the creation or review of an
19 agricultural district pursuant to section three hundred three of this
20 article, or at the time of receipt by the county of a notice of intent
21 filing pursuant to subdivision four of section three hundred five of

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

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1 this article. The members of such board shall be appointed by the chair-
2 person of the county legislative body, who shall solicit nominations
3 from farm membership organizations except for the chairperson of the
4 county soil and water conservation district's board of directors OR HIS
5 OR HER DESIGNEE, the county planning director and director of real prop-
6 erty tax services, who shall serve ex officio. The members shall serve
7 without salary, but the county legislative body may entitle each such
8 member to reimbursement for actual and necessary expenses incurred in
9 the performance of official duties.

10 S 2. Subdivision 3 of section 49-0303 of the environmental conserva-
11 tion law, as amended by chapter 45 of the laws of 1997, is amended to
12 read as follows:

13 3. "Public body" means the state or a municipal corporation as that
14 term is defined in section two of the general municipal law. Such term
15 shall further include the Palisades interstate park commission [and];
16 the Central Pine Barrens joint planning and policy commission; AND A
17 SOIL AND WATER CONSERVATION DISTRICT AS THAT TERM IS DEFINED IN SECTION
18 THREE OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW.

19 S 3. Section 9 of the soil and water conservation districts law is
20 amended by adding a new subdivision 4-a to read as follows:

21 (4-A) TO ACQUIRE, BY PURCHASE, EXCHANGE, GIFT, BEQUEST, DEVISE, OR
22 OTHERWISE, A CONSERVATION EASEMENT AS DEFINED IN SECTION 49-0303 OF THE
23 ENVIRONMENTAL CONSERVATION LAW; TO HOLD, MAINTAIN, ADMINISTER, AND
24 IMPROVE, IN COMPLIANCE WITH ANY SUCH EASEMENT AND TITLE THREE OF ARTICLE
25 FORTY-NINE OF THE ENVIRONMENTAL CONSERVATION LAW, ANY CONSERVATION EASE-
26 MENTS ACQUIRED; TO ENFORCE ANY OF THE TERMS OF A CONSERVATION EASEMENT,
27 EITHER AS A HOLDER OF AN ACQUIRED EASEMENT OR UNDER A THIRD PARTY
28 ENFORCEMENT RIGHT, AS DEFINED IN SECTION 49-0303 OF THE ENVIRONMENTAL
29 CONSERVATION LAW, GRANTED TO THE DISTRICT IN A CONSERVATION EASEMENT; TO
30 RECEIVE ANY INCOME FROM THE HOLDING, MAINTENANCE, ADMINISTRATION,
31 IMPROVEMENT OR ENFORCEMENT OF CONSERVATION EASEMENTS AS AUTHORIZED IN
32 THIS SUBDIVISION AND TO EXPEND SUCH INCOME IN CARRYING OUT THE PURPOSES
33 AND PROVISIONS OF THIS CHAPTER; AND TO EXTINGUISH ANY SUCH CONSERVATION
34 EASEMENTS IN COMPLIANCE WITH SUCH EASEMENT AND TITLE THREE OF ARTICLE
35 FORTY-NINE OF THE ENVIRONMENTAL CONSERVATION LAW, IN FURTHERANCE OF THE
36 PURPOSES AND PROVISIONS OF THIS CHAPTER.

37 S 4. Section 11-b of the soil and water conservation districts law is
38 amended by adding a new subdivision 8 to read as follows:

39 8. PROJECTS OF SPECIAL SIGNIFICANCE. THE COMMISSIONER OF AGRICULTURE
40 AND MARKETS AND THE COMMITTEE MAY SET ASIDE UP TO TWENTY-FIVE PERCENT OF
41 ANY MONEYS APPROPRIATED FOR THE PURPOSES OF THIS SECTION FOR AGRICUL-
42 TURAL NONPOINT SOURCE ABATEMENT AND CONTROL PROJECTS THAT EXHIBIT
43 SPECIAL REGIONAL OR STATEWIDE SIGNIFICANCE AND MEET THE PROJECT ELIGI-
44 BILITY REQUIREMENTS ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION. SUCH
45 PROJECTS SHALL NOT BE SUBJECT TO THE PRIORITY WATER BODY PREFERENCE SET
46 FORTH IN SUBDIVISION THREE OF THIS SECTION.

47 S 5. Subdivision 5 of section 11-b of the soil and water conservation
48 districts law, as amended by chapter 413 of the laws of 1996, is amended
49 to read as follows:

50 5. State assistance payments pursuant to this section shall be up to a
51 maximum of seventy-five percent of the eligible costs, as determined
52 pursuant to subdivision four of section 17-1409 of the environmental
53 conservation law, for any specified project. Such maximum shall be
54 increased by a percentage equal to the percentage of the total eligible
55 costs for such specified projects that are contributed by the owner or
56 operator of agricultural land upon which such specified project is being

1 conducted, provided, however, that in no event shall the total of such
2 state assistance payments exceed [ninety] EIGHTY-SEVEN AND ONE-HALF
3 percent of such eligible costs for any specified project.
4 S 6. This act shall take effect immediately.