S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to regional conservation partnerships

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

Section 1. Legislative findings. The legislature finds and declares that agricultural and open space preservation are critical to the quality of life and economics of many townships throughout the state. The historic and cultural identities of the towns are embodied by open space and agricultural land resources. Open space and farmland help to shape and define the distinct characteristics of individual villages. Real estate values are enhanced by the availability of open space and farmland resources in communities where such resources are in decline. Future generations will benefit from actions taken by local towns to protect this irreplaceable part of our heritage. Towns and counties have taken actions to preserve open space and farmland in some areas of the state. Such efforts should be supported by the state in the form of regional conservation partnerships.

Local towns, in partnerships with both county and state governments, have traditionally pursued many innovative financing strategies to preserve farmland and open space. Examples of such programs include: purchase of development rights; transfer of development rights; conservation easements; and environmental savings funds. Preservation of farmland and open space has been demonstrated to be highly cost effective for local governments in terms of the ratio of revenue versus the cost of community services. However, local governments, particularly on Eastern Long Island, are currently at a critical crossroad in their land preservation efforts. Accelerating development pressures and rising real estate values combined with more stringent local, county, state, and federal budgets suggest that more creative land conservation efforts

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

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should be employed. In particular, all levels of government must pursue innovative financing approaches that reinvent traditional land preservation strategies, such as regional conservation partnerships.

Regional conservation partnerships are one way for local towns to meet the challenges presented. Regional conservation partnerships are matching fund partnerships between local, county and state governments. These partnerships will establish a secure but flexible approach to open space and farmland preservation and allow local towns to pursue acquisitions in key target areas previously defined and recommended as part of a comprehensive plan.

S 2. The environmental conservation law is amended by adding a new section 3-0316 to read as follows:

S 3-0316. REGIONAL CONSERVATION PARTNERSHIPS.

1. THE COMMISSIONER MAY FOSTER AND SUPPORT THE CREATION OF REGIONAL CONSERVATION PARTNERSHIPS THAT PROVIDE MATCHING FUND PARTNERSHIPS BETWEEN LOCAL, COUNTY AND STATE GOVERNMENTS. THE REGIONAL CONSERVATION PARTNERSHIPS, HEREIN REFERRED TO AS PARTNERSHIPS, SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

A. A LIST OF PARCELS AND AREAS THAT NEED TO BE DEVELOPED IN THOSE TOWNS WISHING TO SEEK FUNDING FOR THE PARTNERSHIPS.

B. THE LIST PROVIDED FOR IN PARAGRAPH A OF THIS SUBDIVISION WOULD BE SUBJECT TO PUBLIC HEARINGS AND ADOPTION BY THE TOWN BOARD OR LEGISLATIVE BODY.

C. A CATEGORIZATION AND PRIORITIZATION BY THE TOWNS OF THOSE AREAS MOST SENSITIVE TO DEVELOPMENT PRESSURE AND THE LIKELIHOOD THAT A PARTNERSHIP COULD SUCCESSFULLY BE UTILIZED IN THOSE AREAS. THE TOWN ALSO NEEDS TO DEMONSTRATE APPROPRIATE LOCAL SUPPORT BY THE BUSINESS AND CIVIC COMMUNITIES OF SUCH TOWN.

D. AN ILLUSTRATION OF HOW THE LAND WOULD BE MANAGED ONCE IT WAS PRESERVED, AND HOW THE ACQUISITION IS IN ACCORDANCE WITH EITHER THE STATE OPEN SPACE PLAN OR THE STATE COMPREHENSIVE OUTDOOR AND RECREATIONAL PLAN.

E. IDENTIFICATION OF OTHER LEVELS OR SOURCES OF FUNDING WHICH FURTHER DEMONSTRATE THE LIKELIHOOD OF SUCCESS.

F. ACQUISITIONS WITH STATE FUNDS WOULD BE COMPLETED ONLY AFTER NEGOTIATION.

G. UPON APPLICATION BY A LOCAL GOVERNMENT, THE STATE WOULD MAKE A GRANT FOR THE AMOUNT OF THE PARTNERSHIP. THE LOCAL GOVERNMENT WOULD THEN SUBMIT DOCUMENTATION DEMONSTRATING THE PROPER USE OF SUCH FUNDS BY CERTIFYING WHICH PARCELS FROM THE PRE-APPROVED LIST WERE PRESERVED, OR IN THE CASE OF FARMLANDS, THE DEVELOPMENT RIGHTS PURCHASED.

2. THE PARTNERSHIP PROGRAM WILL REWARD ONLY THOSE TOWNS WHICH ACTIVELY SEEK TO IMPLEMENT SUCH PROGRAMS. LOCAL TOWNS ARE RESPONSIBLE FOR SECURING THE INITIAL LEVEL OF FUNDING FOR THESE ACQUISITIONS. ONCE THE TOWNS HAVE PROPERLY IDENTIFIED THE KEY TARGET AREAS AND SECURED FUNDING FOR ACQUISITIONS IN THOSE TARGET AREAS, COUNTY AND STATE GOVERNMENTS SHALL THEN MATCH THE FUNDING. PARTNERSHIP WILL ALLOW EACH LEVEL OF GOVERNMENT TO LEVERAGE THEIR FUNDS AND SPEND MUCH LESS THAN IF SUCH GOVERNMENT WERE ACTING INDEPENDENTLY.

3. THE ELIGIBLE REGIONAL AREAS ARE TO BE IDENTIFIED IN THE NEW YORK STATE OPEN SPACE PLAN OR BY THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION UPON PETITION BY THE LOCAL GOVERNMENT.

4. THE REGIONAL CONSERVATION PARTNERSHIPS DEDICATED FUND, AS ESTABLISHED BY SECTION NINETY-NINE-Q OF THE STATE FINANCE LAW, SHALL BE ADMINISTERED BY THE COMMISSIONER FOR USE AS THE STATE SHARE OF THE FUND-

ING PROVIDED UNDER THIS SECTION. THE MONIES OF THE FUND SHALL BE USED EXCLUSIVELY FOR THE REGIONAL CONSERVATION PARTNERSHIP FUNDING.

S 3. The state finance law is amended by adding a new section 99-q to read as follows:

S 99-Q. REGIONAL CONSERVATION PARTNERSHIPS DEDICATED FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A FUND TO BE KNOWN AS THE REGIONAL CONSERVATION PARTNERSHIPS DEDICATED FUND.

2. SUCH FUND SHALL CONSIST OF PROCEEDS FROM THE OPEN SPACE ACCOUNT OR THE ENVIRONMENTAL PROTECTION FUND, AS PROVIDED FOR BY THE STATE COMPTROLLER, IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

3. ALL MONIES IN THE FUND SHALL BE USED FOR THE STATE SHARE OF REGIONAL CONSERVATION PARTNERSHIPS PROGRAM.

4. THE MONIES, WHEN ALLOCATED, SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR HIS DULY DESIGNATED OFFICER.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.