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

5414--A

2009-2010 Regular Sessions

I N S E N A T E

May 1, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- 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

AN ACT to amend the agriculture and markets law, in relation to agricultural protection state assistance payments

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

Section 1. Subdivision 1 of section 325 of the agriculture and markets law, as amended by chapter 124 of the laws of 2007, is amended to read as follows:

1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of county and municipal agricultural and farmland protection activities. State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. A county which has an approved farmland protection plan may after one hundred twenty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and

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

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farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or portion of the plan for which state assistance payments are requested. STATE ASSISTANCE PAYMENTS TO SUCH COUNTIES SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE COST OF IMPLEMENTING THE LOCAL PLAN OR PORTION OF THE PLAN FOR WHICH STATE ASSISTANCE HAS BEEN REQUESTED. SUCH MAXIMUM SHALL BE INCREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE TOTAL ELIGIBLE COSTS FOR SUCH SPECIFIED PROJECTS THAT ARE CONTRIBUTED BY THE OWNER OF THE AGRICULTURAL LAND FOR WHICH THE PROJECT IS BEING FUNDED, PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE TOTAL OF SUCH STATE ASSISTANCE PAYMENTS EXCEED EIGHTY-SEVEN AND ONE-HALF PERCENT OF SUCH ELIGIBLE COSTS FOR ANY SPECIFIED PROJECT.

S 2. Paragraphs (b) and (c) of subdivision 2 of section 325 of the agriculture and markets law, as amended by chapter 93 of the laws of 2010, are amended to read as follows:

(b) Within a county, a municipality which has in place a local farmland protection plan may apply and shall be eligible for agricultural protection state assistance payments to implement its plan, or a portion of its plan, provided the proposed project is endorsed for funding by the agricultural and farmland protection board for the county in which the municipality is located and that any plan developed on or after January first, two thousand six complies with section three hundred twenty-four-a of this article. State assistance payments to such municipalities shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. SUCH MAXIMUM SHALL BE INCREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE TOTAL ELIGIBLE COSTS FOR SUCH SPECIFIED PROJECTS THAT ARE CONTRIBUTED BY THE OWNER OF THE AGRICULTURAL LAND FOR WHICH THE PROJECT IS BEING FUNDED; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE TOTAL OF SUCH STATE ASSISTANCE PAYMENTS EXCEED EIGHTY-SEVEN AND ONE-HALF PERCENT OF SUCH ELIGIBLE COSTS FOR ANY SPECIFIED PROJECT. The commissioner may require such information or additional planning as he or she deems necessary to evaluate such a request for state assistance.

(c) A not-for-profit conservation organization may apply and shall be eligible for agricultural protection state assistance payments to implement a county or municipal agricultural and farmland protection plan approved by the commissioner provided that the proposed project is endorsed for funding by the county agricultural and farmland protection board for the county in which the proposed project is located. The proposed project must also be endorsed for funding by the municipality in which the proposed project is located if the not-for-profit conservation organization is seeking agricultural protection state assistance payments to implement an approved municipal agricultural and farmland protection plan. State assistance payments to such not-for-profit organizations shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. SUCH MAXIMUM SHALL BE INCREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE TOTAL ELIGIBLE COSTS FOR SUCH SPECIFIED PROJECTS THAT ARE CONTRIBUTED BY THE OWNER OF THE AGRICULTURAL LAND FOR WHICH THE PROJECT IS BEING FUNDED; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE TOTAL OF SUCH STATE ASSISTANCE PAYMENTS EXCEED EIGHTY-SEVEN AND ONE-HALF PERCENT OF SUCH ELIGIBLE COSTS FOR ANY SPECIFIED PROJECT. The commissioner may require such information or additional planning as he or she deems necessary to evaluate such a request for state assistance.

S 3. This act shall take effect immediately.