

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

7428--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

Introduced by M. of A. MAGEE, RUSSELL, LUPARDO, P. LOPEZ -- (at request of the Department of Agriculture and Markets) -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 farmers. At least one member of such
7 board shall represent agribusiness and one member may represent an
8 organization dedicated to agricultural land preservation. These six
9 members of the board shall reside within the county which the respective
10 board serves. The members of the board shall also include the chair-
11 person of the county soil and water conservation district's board of
12 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

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

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

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

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

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

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

39 S 4. Subdivision 5 of section 11-b of the soil and water conservation
40 districts law, as amended by chapter 413 of the laws of 1996, is amended
41 to read as follows:

42 5. State assistance payments pursuant to this section shall be up to a
43 maximum of seventy-five percent of the eligible costs, as determined
44 pursuant to subdivision four of section 17-1409 of the environmental
45 conservation law, for any specified project. Such maximum shall be
46 increased by a percentage equal to the percentage of the total eligible
47 costs for such specified projects that are contributed by the owner or
48 operator of agricultural land upon which such specified project is being
49 conducted, provided, however, that in no event shall the total of such
50 state assistance payments exceed [ninety] EIGHTY-SEVEN AND ONE-HALF
51 percent of such eligible costs for any specified project.

52 S 5. This act shall take effect immediately.