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

7491

2011-2012 Regular Sessions

I N A S S E M B L Y

May 6, 2011

Introduced by M. of A. JORDAN -- 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 the creation of the New York state maple syrup production fund

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

Section 1. Subdivision 1 of section 9-0303 of the environmental conservation law, as amended by chapter 602 of the laws of 2003, is amended to read as follows:

1. Trees or timber. Except as provided in subdivision 2 of section 9-0107 and in sections 9-0501 through [9-0507] 9-0508 of this article no person shall cut, remove, injure, destroy or cause to be cut, removed, injured or destroyed any trees or timber or other property thereon or enter upon such lands with intent to do so.

S 2. The environmental conservation law is amended by adding a new section 9-0508 to read as follows:

S 9-0508. MAPLE SYRUP EXTRACTION LEASES.

1. NOTWITHSTANDING ANY PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC LANDS LAW TO THE CONTRARY, THE DEPARTMENT, WITH THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LANDS AND FORESTS, MAY ENTER INTO LEASES FOR THE PURPOSE OF THE EXTRACTION OF MAPLE SAP FOR THE PRODUCTION OF MAPLE SYRUP, ON ANY LANDS ACQUIRED BY THE STATE IN ACCORDANCE WITH SECTION 9-0501 OF THIS ARTICLE.

2. SUCH LEASES GRANTED UNDER THIS SECTION SHALL BE OF A TERM OF NO MORE THAN TEN YEARS, AND SHALL HAVE TERMS AND CONDITIONS PRESCRIBED BY THE DEPARTMENT, INCLUDING BUT NOT LIMITED TO, THOSE DESCRIBED IN PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION.

(A) LEASES SHALL BE AWARDED FOR NO LESS THAN FIFTY CENTS PER ESTIMATED TAP ON THE LEASED ACREAGE.

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

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(B) PROVISIONS FOR THE INGRESS AND EGRESS OF THE SYRUP PRODUCTION FOR THE PURPOSES OF TAPPING TREES, INSTALLING LINES, COLLECTING SAP, AND GENERALLY MAINTAINING THE EQUIPMENT NECESSARY TO COLLECT SAP FROM THE LEASED AREA.

(C) A PLAN DEVELOPED BY THE DEPARTMENT WHICH WILL IDENTIFY WHICH TREES ARE ELIGIBLE TO BE TAPPED BY THE LESSEE. THE PRESERVATION OF VENEER GRADE LUMBER WHILE ALLOWING FOR MAXIMUM SAP EXTRACTION WITH MINIMAL TIMBER VALUE LOSS SHALL GUIDE THE DEPARTMENT IN THE PREPARATION OF THESE PLANS.

3. FUNDS GENERATED THROUGH THE LEASING OF LANDS AS DESCRIBED IN SUBDIVISION 2 OF THIS SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE MAPLE SYRUP PRODUCTION FUND FOR THE PURPOSES OF FUNDING THE PREPARATION OF TAPPING PLANS REQUIRED TO BE GENERATED IN PARAGRAPH (C) OF SUBDIVISION 2 OF THIS SECTION. IN THE EVENT THE AMOUNT DEPOSITED IN SUCH FUND THROUGH SUCH SALES EXCEEDS THE COST TO THE DEPARTMENT TO PRODUCE THESE PLANS, THE BALANCE SHALL BE SPLIT EVENLY BETWEEN THE DIVISION OF LANDS AND FORESTS WITHIN THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE AND MARKETS TO BE USED SPECIFICALLY FOR THE ADVERTISEMENT AND ENHANCEMENT OF THE MAPLE INDUSTRY WITHIN THE STATE OF NEW YORK.

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

S 99-U. NEW YORK STATE MAPLE SYRUP PRODUCTION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION A FUND TO BE KNOWN AS THE "NEW YORK STATE MAPLE SYRUP PRODUCTION FUND".

2. THE FUND SHALL CONSIST OF MONIES GENERATED THROUGH THE LEASING OF LANDS AS DESCRIBED IN SECTION 9-0508 OF THE ENVIRONMENTAL CONSERVATION LAW.

3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE DEPARTMENT OF AGRICULTURE AND MARKETS FOR USES DESCRIBED IN SUBDIVISION THREE OF SECTION 9-0508 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 4. This act shall take effect immediately.