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

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:

Section 1. Paragraph (a) of subdivision 1 of section 302 of the agriculture and markets law, as amended by chapter 235 of the laws of 1995, is amended to read as follows:

(a) A county legislative body may establish a county agricultural and farmland protection board which shall consist of eleven members, at least four of whom shall be active OR RETIRED farmers. At least one member of such board shall represent agribusiness and one member may represent an organization dedicated to agricultural land preservation. These six members of the board shall reside within the county which the respective board serves. The members of the board shall also include the chairperson of the county soil and water conservation district's board of directors OR AN EMPLOYEE OF THE COUNTY SOIL AND WATER CONSERVATION DISTRICT DESIGNATED BY THE CHAIRPERSON, a member of the county legislative body, a county cooperative extension agent, the county planning director and the county director of real property tax services. The chairperson shall be chosen by majority vote. Such board shall be established in the event no such board exists at the time of receipt by the county legislative body of a petition for the creation or review of an agricultural district pursuant to section three hundred three of this article, or at the time of receipt by the county of a notice of intent 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.

LBD09681-01-1

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

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

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

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

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

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

8. PROJECTS OF SPECIAL SIGNIFICANCE. THE COMMISSIONER OF AGRICULTURE AND MARKETS AND THE COMMITTEE MAY SET ASIDE UP TO TWENTY-FIVE PERCENT OF ANY MONEYS APPROPRIATED FOR THE PURPOSES OF THIS SECTION FOR AGRICULTURAL NONPOINT SOURCE ABATEMENT AND CONTROL PROJECTS THAT EXHIBIT SPECIAL REGIONAL OR STATEWIDE SIGNIFICANCE AND MEET THE PROJECT ELIGIBILITY REQUIREMENTS ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION. SUCH PROJECTS SHALL NOT BE SUBJECT TO THE PRIORITY WATER BODY PREFERENCE SET FORTH IN SUBDIVISION THREE OF THIS SECTION.

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

5. State assistance payments pursuant to this section shall be up to a maximum of seventy-five percent of the eligible costs, as determined pursuant to subdivision four of section 17-1409 of the environmental conservation law, for any specified project. 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 or operator of agricultural land upon which such specified project is being

conducted, provided, however, that in no event shall the total of such state assistance payments exceed [ninety] EIGHTY-SEVEN AND ONE-HALF percent of such eligible costs for any specified project.

S 6. This act shall take effect immediately.