

1 Section 1. Legislative findings and intent. The legislature hereby
2 recognizes the need to increase the number of producers to continue the
3 long tradition of agricultural production in New York state. The average
4 age of a farm operator in the state is fifty-four years of age. In 2004,
5 less than 1,000 students were awarded degrees in agriculture by a
6 college in this state and the majority of these degrees were not awarded
7 in a discipline leading to a career as a producer. The agricultural
8 industry has a substantial impact on the overall economic health and
9 well-being of the state, and it is in the best interest of the state to
10 ensure that enough producers are recruited and retained in agricultural
11 production.

12 S 2. The board of regents and the education department, in consulta-
13 tion with the department of agriculture and markets, shall:

14 (a) Investigate current education programs for agriculture in voca-
15 tional-technical schools, community colleges and universities, to iden-
16 tify the scope of agricultural education programs in the state;

17 (b) Identify non-traditional college education programs administered
18 in other states and other countries;

19 (c) Develop a model for articulation and career mobility to enable
20 producers in every agricultural production field to progress to owner-
21 ship or management of land used in agricultural production, as defined
22 in subdivision 4 of section 301 of the agriculture and markets law; and

23 (d) Develop models for innovative agriculture education programs that
24 will encourage individuals to become producers, utilizing an agricul-
25 tural mentoring program from degree award to retirement, including
26 continuing education opportunities.

27 S 3. The board of regents and the education department shall present
28 their final findings and recommendations to the legislature on or before
29 January 1, 2012.

30 S 4. This act shall take effect immediately.

31 PART B

32 Section 1. Short title. This act shall be known and may be cited as
33 the "agriculture producer scholarship act".

34 S 2. Section 605 of the education law is amended by adding a new
35 subdivision 13 to read as follows:

36 13. AGRICULTURE PRODUCER SCHOLARSHIPS. A. PURPOSE. THE COMMISSIONER
37 SHALL AWARD SCHOLARSHIPS FOR THE PURPOSE OF INCREASING THE NUMBER OF
38 PRODUCERS IN THE STATE. SUCH SCHOLARSHIPS SHALL BE AWARDED ON A COMPET-
39 ITIVE BASIS, IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE COMMISSION-
40 ER, TO STATE RESIDENTS WHO DEMONSTRATE ACADEMIC MERIT FOR ADMISSION TO
41 AN UNDERGRADUATE AGRICULTURE PROGRAM WHICH THE COMMISSIONER DETERMINES
42 WILL ENHANCE THE RECIPIENT'S PROFICIENCY AS AN AGRICULTURAL OPERATOR.

43 B. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVI-
44 SION, APPLICANTS SHALL AGREE TO SERVE, UPON COMPLETION OF THE DEGREE
45 PROGRAM, AS A PRODUCER ON A FULL-TIME BASIS WITHIN THE STATE. SUCH
46 SERVICE SHALL BE COMPLETED IN ACCORDANCE WITH CRITERIA ESTABLISHED BY
47 THE COMMISSIONER.

48 C. AGREEMENTS. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMIS-
49 SIONER, DEVELOP AND SECURE FROM EACH SUCCESSFUL APPLICANT A WRITTEN
50 AGREEMENT TO SERVE AS AN AGRICULTURAL OPERATOR IN THIS STATE. WITHIN
51 SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT
52 OF AN AWARD SHALL HAVE SERVED FOR THAT NUMBER OF MONTHS CALCULATED BY
53 MULTIPLYING BY NINE THE NUMBER OF ANNUAL PAYMENTS RECEIVED BY THE RECIP-
54 IENT. IN NO CASE SHALL THE TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE

LESS THAN TWENTY-FOUR. IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A=2B (T-S)$$

T

IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER PURSUANT TO THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDITION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY, INSTITUTION OR A PROGRAM, IN WHICH HE OR SHE SHALL BE EMPLOYED. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SUBDIVISION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

D. REPORT. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY IT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR YEAR IN WHICH THE RECIPIENT BEGINS TO SERVE AS AN AGRICULTURE PRODUCER IN THIS STATE AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED PURSUANT TO THIS PARAGRAPH WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

S 3. The education law is amended by adding a new section 671-a to read as follows:

S 671-A. AGRICULTURE PRODUCER SCHOLARSHIPS. 1. NUMBER AND CERTIFICATION. TWENTY-FIVE AGRICULTURE PRODUCER SCHOLARSHIPS SHALL BE AWARDED IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN ACADEMIC YEAR AND AN ADDITIONAL TWENTY-FIVE SCHOLARSHIPS SHALL BE AWARDED IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN ACADEMIC YEAR. SUCH SCHOLARSHIPS SHALL BE ALLOCATED AS PROVIDED IN SUBDIVISION THIRTEEN OF SECTION SIX HUNDRED FIVE OF THIS TITLE TO ELIGIBLE STUDENTS AS CERTIFIED TO THE PRESIDENT BY THE COMMISSIONER.

2. DURATION. EACH SUCH SCHOLARSHIP SHALL ENTITLE THE RECIPIENT TO AN ANNUAL AWARD FOR EACH YEAR WHILE ENROLLED IN AN APPROVED COURSE OF STUDY LEADING TO AN UNDERGRADUATE DEGREE IN AGRICULTURE, BUT NOT EXCEEDING THE NORMAL PERIOD OF STUDY REQUIRED TO COMPLETE THE REQUIREMENTS FOR THE PROGRAM, AS SUCH APPROVED COURSES AND NORMAL PERIODS OF STUDY ARE DETERMINED BY THE COMMISSIONER.

3. AMOUNT. THE PRESIDENT SHALL MAKE ANNUAL AWARDS OF FIFTEEN THOUSAND DOLLARS, FOR UP TO FOUR ACADEMIC YEARS FOR ANY RECIPIENT, EXCEPT THAT SUCH ANNUAL AWARD SHALL NOT EXCEED THE RECIPIENT'S COST OF ATTENDANCE.

FOR THE PURPOSES OF THIS SUBDIVISION, "COST OF ATTENDANCE" SHALL MEAN THE COST OF: TUITION AT AN APPROVED UNDERGRADUATE PROGRAM IN AGRICULTURE; LABORATORY AND OTHER FEES; ROOM AND BOARD; SUPPLIES; HEALTH INSURANCE COVERAGE; BOOKS AND A STIPEND FOR DAILY LIVING EXPENSES IN AN AMOUNT TO BE DETERMINED BY THE PRESIDENT IN CONSULTATION WITH THE COMMISSIONER.

S 4. The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is hereby appropriated to the education department out of any moneys in the state treasury in the general fund to the credit of the state operations account, not otherwise appropriated, for its services and expenses incurred to administer and implement the provisions of this act in the 2012--2013 state fiscal year. Such sum shall be payable on vouchers certified or approved by the commissioner of education upon audit and warrant of the state comptroller in the manner prescribed by law.

S 5. The sum of one million five hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, is hereby appropriated to the higher education services corporation out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, to carry out the purposes of this act, including costs of award of scholarships and for its services and expenses incurred to administer and implement the provisions of this act in the 2012--2013 state fiscal year. Such sum shall be payable on vouchers certified or approved by the president of the higher education services corporation upon audit and warrant of the state comptroller in the manner prescribed by law.

S 6. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART C

Section 1. Section 605 of the education law is amended by adding a new subdivision 14 to read as follows:

14. PRODUCER'S LOAN FORGIVENESS PROGRAM. REGENTS LOAN FORGIVENESS AWARDS SHALL BE AWARDED ANNUALLY TO FARM OPERATOR APPLICANTS WHO AGREE TO OPERATE AN AGRICULTURAL OPERATION ON A FULL-TIME BASIS. SUCH AWARDS SHALL BE GRANTED ANNUALLY, AND SHALL BE CLASSIFIED AND ALLOCATED IN ACCORDANCE WITH REGENTS RULES.

A. (1) THE APPLICANT SHALL BE A RESIDENT OR PERMANENT RESIDENT ALIEN OF THIS STATE AND A GRADUATE OF AN INSTITUTION OF HIGHER EDUCATION APPROVED OR REGISTERED BY THE REGENTS.

(2) THE APPLICANT SHALL AGREE TO ENGAGE IN SUCH EMPLOYMENT FOR A PERIOD OF TIME WHICH SHALL BE NOT LESS THAN FIVE YEARS.

B. PRIORITY SHALL BE ACCORDED TO APPLICANTS IN THE FOLLOWING ORDER:

(1) FIRST, TO ANY APPLICANT WHO IS COMPLETING THE SECOND, THIRD, FOURTH OR FIFTH YEAR OF THE SERVICE REQUIREMENT AND IS REAPPLYING FOR A NEW AWARD;

(2) SECOND, TO ANY APPLICANT WHO IS ECONOMICALLY DISADVANTAGED AS DEFINED BY THE REGENTS;

IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME PRIORITY THAN THERE ARE REMAINING SCHOLARSHIPS, THE COMMISSIONER SHALL DISTRIBUTE THE REMAINING NUMBER OF SUCH SCHOLARSHIPS BY MEANS OF A LOTTERY OR OTHER FORM OF RANDOM SELECTION.

C. THE COMMISSIONER SHALL THEN FORWARD APPROVED APPLICATIONS TO THE PRESIDENT AND SHALL NOTIFY UNSUCCESSFUL APPLICANTS.

D. THE PRESIDENT SHALL NOTIFY APPLICANTS OF THEIR AWARD ENTITLEMENT.

1 E. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER, DEVELOP
2 AND SECURE FROM EACH SUCCESSFUL APPLICANT A WRITTEN AGREEMENT TO ENGAGE
3 IN SUCH EMPLOYMENT, AS APPROPRIATE. WITHIN SUCH TIME AS THE COMMISSIONER
4 SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE ENGAGED
5 IN SUCH EMPLOYMENT AS APPROPRIATE, FOR THAT NUMBER OF MONTHS CALCULATED
6 BY MULTIPLYING BY TWELVE THE NUMBER OF ANNUAL PAYMENTS RECEIVED BY THE
7 RECIPIENT. IN NO CASE SHALL THE TOTAL NUMBER OF MONTHS OF SERVICE
8 REQUIRED BE LESS THAN TWENTY-FOUR. IF A RECIPIENT FAILS TO COMPLY FULLY
9 WITH SUCH CONDITIONS, THE PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM
10 SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A=B(T-S)$$

T

14 IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B"
15 IS THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT AND THE INTEREST ON
16 SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID
17 THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS
18 THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED
19 SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED
20 BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER
21 UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING
22 ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDI-
23 TION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOY-
24 MENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE
25 PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY,
26 INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

27 ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS OF THIS SUBDIVISION
28 SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER
29 SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY
30 FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

31 F. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE
32 HIGHER EDUCATION SERVICES CORPORATION, ON FORMS PRESCRIBED BY IT, AS TO
33 THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR
34 YEAR IN WHICH THE RECIPIENT BEGINS SUCH EMPLOYMENT AND CONTINUING UNTIL
35 THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE
36 SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE RECI-
37 PIENT SHALL FAIL TO FILE ANY REPORT REQUIRED PURSUANT TO THIS PARAGRAPH
38 WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE
39 ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED,
40 WHICHEVER IS LATER, THE PRESIDENT MAY IMPOSE A FINE OF UP TO ONE THOU-
41 SAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE
42 FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A
43 REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

44 S 2. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law; provided, however, that any rules or regu-
46 lations necessary for the timely implementation of this act on its
47 effective date shall be promulgated on or before such effective date.

48 PART D

49 Section 1. The board of regents and the education department, in
50 consultation with the department of agriculture and markets, shall
51 develop and implement an outreach campaign encouraging elementary and
52 secondary education students to enter the agricultural field and attend

1 one of New York state's college agriculture education programs. Such
2 outreach campaign shall continue until December 31, 2016 or until
3 enrollment in undergraduate agricultural programs increases by twenty-
4 five percent.

5 S 2. This act shall take effect immediately.

6 PART E

7 Section 1. Report on agriculture taxation. The commissioner of agri-
8 culture and markets shall study and make recommendations to the governor
9 and the legislature within eighteen months of the effective date of this
10 section on reducing the taxation for landowners who use land for the
11 production of agricultural commodities within and outside agricultural
12 districts, pursuant to article 25-AA of the agriculture and markets law.

13 S 2. This act shall take effect immediately.

14 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
15 sion, section or part of this act shall be adjudged by any court of
16 competent jurisdiction to be invalid, such judgment shall not affect,
17 impair, or invalidate the remainder thereof, but shall be confined in
18 its operation to the clause, sentence, paragraph, subdivision, section
19 or part thereof directly involved in the controversy in which such
20 judgement shall have been rendered. It is hereby declared to be the
21 intent of the legislature that this act would have been enacted even if
22 such invalid provisions had not been included herein.

23 S 4. This act shall take effect immediately provided, however, that
24 the applicable effective date of Parts A through E of this act shall be
25 as specifically set forth in the last section of such Parts.