

7002

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 29, 2013

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Introduced by M. of A. MAGEE, GUNTHER, JAFFEE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the public lands law, in relation to access to viable agricultural land for new and beginning farmers

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

- 1     Section 1. Section 16 of the agriculture and markets law is amended by  
2     adding a new subdivision 2-d to read as follows:  
3     2-D. AID IN EFFORTS SUPPORTING THE SUCCESSFUL TRANSFER OF VIABLE AGRI-  
4     CULTURAL LAND FROM EXISTING OWNERS TO NEW OWNERS AND OPERATORS, ESPE-  
5     CIALY BEGINNING FARMERS.  
6     S 2. Subdivision 5 of section 309 of the agriculture and markets law,  
7     as added by chapter 79 of the laws of 1980, is amended to read as  
8     follows:  
9     5. The advisory council on agriculture shall advise the commissioner  
10    and other state agency heads on state government plans, policies and  
11    programs affecting farming and the agricultural industry of this state  
12    INCLUDING, BUT NOT LIMITED TO, ADVICE REGARDING TAX, FINANCIAL ASSIST-  
13    ANCE AND OTHER POLICIES AND PROGRAMS THAT COULD ADDRESS THE NEEDS OF  
14    BEGINNING FARMERS AND ISSUES RELATED TO TRANSFER OF OWNERSHIP OF FARMS.  
15    Concerned state agencies shall be encouraged to establish a working  
16    relationship with the council and shall fully cooperate with the council  
17    in any requests it shall make.  
18    S 3. Subdivision 6 of section 323 of the agriculture and markets law,  
19    as amended by chapter 268 of the laws of 2008, is amended to read as  
20    follows:  
21    6. reporting biennially to the governor and the legislature regarding  
22    the activities of the commissioner, INCLUDING EFFORTS TO ENHANCE ACCESS  
23    TO VIABLE AGRICULTURAL LAND FOR NEW AND BEGINNING FARMERS, the types of  
24    technical assistance rendered to county agricultural and farmland

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

LBD10459-03-3

1 protection boards, municipalities and not-for-profit conservation organ-  
2 izations, and the need to protect the state's agricultural economy and  
3 land resources.

4 S 4. Paragraph (d) of subdivision 2 of section 325 of the agriculture  
5 and markets law, as amended by chapter 93 of the laws of 2010, is  
6 amended to read as follows:

7 (d) In evaluating applications for funding, the commissioner shall  
8 give priority to projects intended to preserve viable agricultural land  
9 as defined in section three hundred one of this chapter; that are in  
10 areas facing significant development pressure; and that serve as a buff-  
11 er for a significant natural public resource containing important  
12 ecosystem or habitat characteristics. THE COMMISSIONER SHALL ALSO GIVE  
13 PRIORITY TO SUCH PROJECTS THAT USE CONSERVATION EASEMENTS PURSUANT TO  
14 ARTICLE FORTY-NINE OF THE ENVIRONMENTAL CONSERVATION LAW.

15 S 5. The agriculture and markets law is amended by adding a new  
16 section 329-a to read as follows:

17 S 329-A. FARMLAND AVAILABILITY INFORMATION. 1. THE DEPARTMENT SHALL  
18 COLLECT AND COMPILE INFORMATION ABOUT PUBLIC LAND THAT IS VIABLE FOR  
19 FARMING AND IS AVAILABLE FOR PURCHASE OR LEASE FOR FARMING AND MAKE  
20 AVAILABLE SUCH INFORMATION, INCLUDING CONTACT INFORMATION FOR THE OFFICE  
21 OF GENERAL SERVICES, OTHER STATE AGENCIES, MUNICIPALITIES, AND OTHER  
22 GOVERNMENTAL ENTITIES OFFERING SUCH LAND, ON ITS INTERNET WEBSITE. THE  
23 DEPARTMENT SHALL PROVIDE GUIDANCE AND ASSISTANCE TO THE OFFICE OF GENER-  
24 AL SERVICES, OTHER STATE AGENCIES, MUNICIPALITIES AND OTHER GOVERNMENTAL  
25 ORGANIZATIONS THAT REQUEST SUCH ASSISTANCE, IN IDENTIFYING LAND THAT IS  
26 VIABLE FOR FARMING.

27 2. THE DEPARTMENT MAY ALSO MAKE AVAILABLE SIMILAR INFORMATION ABOUT  
28 PRIVATE LAND AVAILABLE FOR PURCHASE OR LEASE FOR FARMING, INCLUDING  
29 CONTACT INFORMATION FOR THE OWNERS OF SUCH LAND.

30 S 6. Section 2 of the public lands law is amended by adding two new  
31 subdivisions 2-a and 2-b to read as follows:

32 2-A. STATE-OWNED REAL PROPERTY INVENTORY; FARMING. A. THE COMMISSIONER  
33 OF GENERAL SERVICES IS AUTHORIZED AND DIRECTED TO DEVELOP AN INVENTORY,  
34 IN COOPERATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, OF  
35 STATE-OWNED REAL PROPERTY THAT MAY BE VIABLE FOR FARMING.

36 B. IF THE COMMISSIONER DETERMINES THAT ANY OF SUCH PROPERTY SHOULD BE  
37 MADE AVAILABLE FOR PURCHASE OR LEASE FOR FARMING THEN SUCH INFORMATION  
38 SHALL BE PROVIDED TO THE DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE  
39 FARMLAND AVAILABILITY INFORMATION PROGRAM, PROVIDED, HOWEVER, THAT IF  
40 THE COMMISSIONER, IN COOPERATION WITH THE COMMISSIONER OF AGRICULTURE  
41 AND MARKETS, DETERMINES THAT ANY OF SUCH PROPERTY SHOULD BE PROTECTED  
42 AND PRESERVED USING ARTICLE TWENTY-FIVE-AAA OF THE AGRICULTURE AND  
43 MARKETS LAW THEN INFORMATION ABOUT SUCH PROPERTY SHALL NOT BE PROVIDED  
44 FOR THE FARMLAND AVAILABILITY INFORMATION PROGRAM UNTIL A REVIEW OF THE  
45 MERITS AND FEASIBILITY OF PRESERVING SUCH PROPERTY USING SUCH ARTICLE  
46 HAS BEEN CONSIDERED.

47 2-B. REPORT. THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE  
48 LEGISLATURE WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION  
49 ON:

50 A. THE INVENTORY OF STATE-OWNED REAL PROPERTY THAT MAY BE VIABLE FOR  
51 FARMING CONDUCTED PURSUANT TO SUBDIVISION TWO-A OF THIS SECTION;

52 B. THE FEASIBILITY OF, AND BARRIERS TO, SELLING, LEASING OR USING SUCH  
53 PROPERTY FOR FARMING;

54 C. THE FEASIBILITY OF USING ARTICLE TWENTY-FIVE-AAA OF AGRICULTURE AND  
55 MARKETS LAW TO PROTECT AND PRESERVE SUCH LAND FOR FARMING WHEN SUCH LAND  
56 IS SOLD; AND

1 D. ANY CONCERNS RELATED TO SELLING OR LEASING SUCH PROPERTY FOR FARM-  
2 ING, INCLUDING, BUT NOT LIMITED TO, THE TYPES OF FARMING ACTIVITIES THAT  
3 MAY BE APPROPRIATE AND THE ENVIRONMENTAL AND COMMUNITY IMPACTS OF FARM-  
4 ING SUCH PROPERTIES.

5 S 7. Section 2 of the public lands law is amended by adding a new  
6 subdivision 3-a to read as follows:

7 3-A. LAND VIABLE FOR FARMING; IDENTIFICATION. THE COMMISSIONER OF  
8 GENERAL SERVICES IS AUTHORIZED AND DIRECTED, AS PART OF THE STATE-OWNED  
9 REAL PROPERTY MANAGEMENT PROGRAM, TO WORK WITH STATE AGENCIES TO IDENTI-  
10 FY LAND THAT MAY BE VIABLE FOR FARMING AND MAY BE MADE AVAILABLE FOR  
11 PURCHASE OR LEASE FOR FARMING.

12 S 8. This act shall take effect immediately.