

4299

2013-2014 Regular Sessions

I N S E N A T E

March 20, 2013

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 and the general municipal law, in relation to soil and water conservation district program improvements

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

1 Section 1. Section 322 of the agriculture and markets law is amended
2 by adding a new subdivision 5 to read as follows:
3 5. "SOIL AND WATER CONSERVATION DISTRICT" MEANS AN ENTITY AS DEFINED
4 IN SUBDIVISION ONE OF SECTION THREE OF THE SOIL AND WATER CONSERVATION
5 DISTRICTS LAW.
6 S 2. Section 323 of the agriculture and markets law, as amended by
7 chapter 268 of the laws of 2008, is amended to read as follows:
8 S 323. State agricultural and farmland protection program. The commis-
9 sioner shall initiate and maintain a state agricultural and farmland
10 protection program to provide financial and technical assistance, within
11 funds available, to counties, municipalities, SOIL AND WATER CONSERVA-
12 TION DISTRICTS, and not-for-profit conservation organizations for their
13 agricultural and farmland protection efforts. Activities to be conducted
14 by the commissioner shall include, but not be limited to:
15 1. developing guidelines for the creation by counties and municipi-
16 palities of agricultural and farmland protection plans;
17 2. providing technical assistance to county agricultural and farmland
18 protection boards, as established in article twenty-five-AA of this
19 chapter, and municipalities;
20 3. administering state assistance payments to county agricultural and
21 farmland protection boards [and], municipalities AND SOIL AND WATER
22 CONSERVATION DISTRICTS;

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

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1 4. disseminating information to county and municipal governments, SOIL
2 AND WATER CONSERVATION DISTRICTS, owners of agricultural lands and other
3 agricultural interests about the state agricultural and farmland
4 protection program established pursuant to this article;

5 5. administering state assistance payments to not-for-profit conserva-
6 tion organizations; and

7 6. reporting biennially to the governor and the legislature regarding
8 the activities of the commissioner, the types of technical assistance
9 rendered to county agricultural and farmland protection boards, munici-
10 palities, SOIL AND WATER CONSERVATION DISTRICTS and not-for-profit
11 conservation organizations, and the need to protect the state's agricul-
12 tural economy and land resources.

13 S 3. Subdivision 1 of section 325 of the agriculture and markets law,
14 as amended by chapter 234 of the laws of 2010, is amended to read as
15 follows:

16 1. Subject to the availability of funds, a program is hereby estab-
17 lished to finance through state assistance payments the state share of
18 the costs of [county and municipal] LOCALLY-LED agricultural and farm-
19 land protection activities. State assistance payments for planning
20 activities shall not exceed fifty thousand dollars to each county agri-
21 cultural and farmland protection board or one hundred thousand dollars
22 to two such boards applying jointly, and shall not exceed fifty percent
23 of the cost of preparing an agricultural and farmland protection plan.
24 State assistance payments for planning activities shall not exceed twen-
25 ty-five thousand dollars to each municipality other than a county or
26 fifty thousand dollars to two such municipalities applying jointly, and
27 shall not exceed seventy-five percent of the cost of preparing an agri-
28 cultural and farmland protection plan. A county which has an approved
29 farmland protection plan may after one hundred twenty months from the
30 date of such approval by the commissioner apply for additional state
31 assistance payments for planning activities related to the updating of
32 their current plan or development of a new farmland protection plan.
33 Such additional state assistance payments shall not exceed fifty thou-
34 sand dollars to each county agricultural and farmland protection board
35 or one hundred thousand dollars to two such boards applying jointly, and
36 shall not exceed fifty percent of the cost of preparing an agricultural
37 and farmland protection plan. State assistance payments for implementa-
38 tion of approved agricultural and farmland protection plans may fund up
39 to seventy-five percent of the cost of implementing the county plan or
40 portion of the plan for which state assistance payments are requested.
41 State assistance payments to such counties shall not exceed seventy-five
42 percent of the cost of implementing the local plan or portion of the
43 plan for which state assistance has been requested. Such maximum shall
44 be increased by a percentage equal to the percentage of the total eligi-
45 ble costs for such specified projects that are contributed by the owner
46 of the agricultural land for which the project is being funded,
47 provided, however, that in no event shall the total of such state
48 assistance payments exceed eighty-seven and one-half percent of such
49 eligible costs for any specified project.

50 S 4. Paragraphs (c) and (d) of subdivision 2 of section 325 of the
51 agriculture and markets law are relettered paragraphs (d) and (e) and a
52 new paragraph (c) is added to read as follows:

53 (C) A SOIL AND WATER CONSERVATION DISTRICT MAY APPLY AND SHALL BE
54 ELIGIBLE FOR AGRICULTURAL PROTECTION STATE ASSISTANCE PAYMENTS TO IMPLE-
55 MENT A COUNTY OR MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN
56 APPROVED BY THE COMMISSIONER PROVIDED THAT THE PROPOSED PROJECT IS

1 ENDORSED FOR FUNDING BY THE COUNTY AGRICULTURAL AND FARMLAND PROTECTION
2 BOARD FOR THE COUNTY IN WHICH THE PROPOSED PROJECT IS LOCATED. A SOIL
3 AND WATER CONSERVATION DISTRICT, TWO SUCH SOIL AND WATER CONSERVATION
4 DISTRICTS ACTING JOINTLY, A SOIL AND WATER CONSERVATION DISTRICT AND A
5 MUNICIPALITY ACTING JOINTLY, OR A SOIL AND WATER CONSERVATION DISTRICT
6 AND A NOT-FOR-PROFIT CONSERVATION ORGANIZATION ACTING JOINTLY SHALL MAKE
7 APPLICATION TO THE COMMISSIONER IN SUCH MANNER AS THE COMMISSIONER MAY
8 PRESCRIBE. THE PROPOSED PROJECT MUST ALSO BE ENDORSED FOR FUNDING BY THE
9 MUNICIPALITY IN WHICH THE PROPOSED PROJECT IS LOCATED IF THE SOIL AND
10 WATER CONSERVATION DISTRICT IS SEEKING AGRICULTURAL PROTECTION STATE
11 ASSISTANCE PAYMENTS TO IMPLEMENT AN APPROVED MUNICIPAL AGRICULTURAL AND
12 FARMLAND PROTECTION PLAN. STATE ASSISTANCE PAYMENTS TO SUCH SOIL AND
13 WATER CONSERVATION DISTRICTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF
14 THE COST OF IMPLEMENTING THE LOCAL PLAN OR PORTION OF THE PLAN FOR WHICH
15 STATE ASSISTANCE HAS BEEN REQUESTED. SUCH MAXIMUM SHALL BE INCREASED BY
16 A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE TOTAL ELIGIBLE COSTS FOR
17 SUCH SPECIFIED PROJECTS THAT ARE CONTRIBUTED BY THE OWNER OF THE AGRI-
18 CULTURAL LAND FOR WHICH THE PROJECT IS BEING FUNDED; PROVIDED, HOWEVER,
19 THAT IN NO EVENT SHALL THE TOTAL OF SUCH STATE ASSISTANCE PAYMENTS
20 EXCEED EIGHTY-SEVEN AND ONE-HALF PERCENT OF SUCH ELIGIBLE COSTS FOR ANY
21 SPECIFIED PROJECT. THE COMMISSIONER MAY REQUIRE SUCH INFORMATION OR
22 ADDITIONAL PLANNING AS HE OR SHE DEEMS NECESSARY TO EVALUATE SUCH A
23 REQUEST FOR STATE ASSISTANCE.

24 S 5. Subdivision a of section 119-n of the general municipal law, as
25 amended by chapter 413 of the laws of 1991, is amended to read as
26 follows:

27 a. The term "municipal corporation" means a county outside the city of
28 New York, a city, a town, a village, a board of cooperative educational
29 services, fire district or a school district. THE TERM "MUNICIPAL
30 CORPORATION" SHALL ALSO MEAN A SOIL AND WATER CONSERVATION DISTRICT AS
31 DEFINED IN SUBDIVISION ONE OF SECTION THREE OF THE SOIL AND WATER
32 CONSERVATION DISTRICTS LAW; PROVIDED, HOWEVER, THAT THE EXERCISE OF ANY
33 POWERS AND DUTIES UNDER THIS ARTICLE BY A SOIL AND WATER CONSERVATION
34 DISTRICT SHALL BE SUBJECT TO THE POWERS, DUTIES AND LIMITATIONS IN
35 SECTION NINE OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW.

36 S 6. This act shall take effect immediately.