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

7002

2013-2014 Regular Sessions

I N A S S E M B L Y

April 29, 2013

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:

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 2-d to read as follows:

2-D. AID IN EFFORTS SUPPORTING THE SUCCESSFUL TRANSFER OF VIABLE AGRICULTURAL LAND FROM EXISTING OWNERS TO NEW OWNERS AND OPERATORS, ESPECIALLY BEGINNING FARMERS.

S 2. Subdivision 5 of section 309 of the agriculture and markets law, as added by chapter 79 of the laws of 1980, is amended to read as follows:

5. The advisory council on agriculture shall advise the commissioner and other state agency heads on state government plans, policies and programs affecting farming and the agricultural industry of this state INCLUDING, BUT NOT LIMITED TO, ADVICE REGARDING TAX, FINANCIAL ASSISTANCE AND OTHER POLICIES AND PROGRAMS THAT COULD ADDRESS THE NEEDS OF BEGINNING FARMERS AND ISSUES RELATED TO TRANSFER OF OWNERSHIP OF FARMS. Concerned state agencies shall be encouraged to establish a working relationship with the council and shall fully cooperate with the council in any requests it shall make.

S 3. Subdivision 6 of section 323 of the agriculture and markets law, as amended by chapter 268 of the laws of 2008, is amended to read as follows:

6. reporting biennially to the governor and the legislature regarding the activities of the commissioner, INCLUDING EFFORTS TO ENHANCE ACCESS TO VIABLE AGRICULTURAL LAND FOR NEW AND BEGINNING FARMERS, the types of technical assistance rendered to county agricultural and farmland

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

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protection boards, municipalities and not-for-profit conservation organizations, and the need to protect the state's agricultural economy and land resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 8. This act shall take effect immediately.