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I N   A S S E M B L Y

March 6, 2014

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

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to water withdrawal reporting and FOIL protection

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

1     Section 1. Section 151-h of the agriculture and markets law, as added  
2     by chapter 136 of the laws of 2000, is amended to read as follows:  
3     S 151-h. Report. The department, in conjunction with the state soil  
4     and water conservation committee, shall report annually to the governor,  
5     the legislature and participating agencies on the progress of the AEM  
6     program, including an assessment of program effectiveness in achieving  
7     state water quality objectives, public and private program partic-  
8     ipation, and such other information as the department and the committee  
9     deem appropriate. SUCH REPORT SHALL ALSO INCLUDE, AFTER CONSULTATION  
10    WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE NUMBER OF ANNUAL  
11    REGISTRATIONS FOR AGRICULTURAL WATER WITHDRAWALS EXCEEDING AN AVERAGE OF  
12    MORE THAN ONE HUNDRED THOUSAND GALLONS PER DAY IN ANY CONSECUTIVE THIRTY  
13    DAY PERIOD AS PROVIDED FOR IN SECTION 15-1504 OF THE ENVIRONMENTAL  
14    CONSERVATION LAW.  
15    S 2. Section 15-1504 of the environmental conservation law is amended  
16    by adding a new subdivision 6 to read as follows:  
17    6. DISCLOSURE.  
18    A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INFORMATION  
19    COLLECTED PURSUANT TO SUBPARAGRAPH (1) OF PARAGRAPH B OF SUBDIVISION  
20    THREE OF THIS SECTION OR SUBPARAGRAPH (1) OF PARAGRAPH A OF SUBDIVISION  
21    FOUR OF THIS SECTION SHALL NOT BE SUBJECT TO DISCLOSURE UNDER THE FREE-  
22    DOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS  
23    LAW.  
24    B. ANY REPORTS TO OUTSIDE PARTIES FOR RESEARCH OR OTHER PURPOSES SHALL  
25    BE REDACTED TO EXCLUDE ANY INFORMATION ABOUT: A WATER SOURCE, THE  
26    LOCATION OF A WATER SOURCE, THE CAPACITY OF A WATER SOURCE, AND THE  
27    PLACE AND SOURCE OF A PROPOSED OR EXISTING WITHDRAWAL THAT IS GATHERED

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

LBD13201-04-4

1 PURSUANT TO SUBPARAGRAPH (1) OF PARAGRAPH B OF SUBDIVISION THREE OF THIS  
2 SECTION OR SUBPARAGRAPH (1) OF PARAGRAPH A OF SUBDIVISION FOUR OF THIS  
3 SECTION.  
4 S 3. This act shall take effect immediately.