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

4299--A

Cal. No. 406

2013-2014 Regular Sessions

I N S E N A T E

March 20, 2013

Introduced by Sens. RITCHIE, GIPSON -- (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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Section 322 of the agriculture and markets law is amended by adding a new subdivision 5 to read as follows:

5. "SOIL AND WATER CONSERVATION DISTRICT" MEANS AN ENTITY AS DEFINED IN SUBDIVISION ONE OF SECTION THREE OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW.

S 2. Section 323 of the agriculture and markets law, as amended by chapter 268 of the laws of 2008, is amended to read as follows:

S 323. State agricultural and farmland protection program. The commissioner shall initiate and maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to counties, municipalities, SOIL AND WATER CONSERVATION DISTRICTS, and not-for-profit conservation organizations for their agricultural and farmland protection efforts. Activities to be conducted by the commissioner shall include, but not be limited to:

1. developing guidelines for the creation by counties and municipalities of agricultural and farmland protection plans;

2. providing technical assistance to county agricultural and farmland protection boards, as established in article twenty-five-AA of this chapter, and municipalities;

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

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3. administering state assistance payments to county agricultural and farmland protection boards [and], municipalities AND SOIL AND WATER CONSERVATION DISTRICTS;

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

5. administering state assistance payments to not-for-profit conservation organizations; and

6. reporting biennially to the governor and the legislature regarding the activities of the commissioner, the types of technical assistance rendered to county agricultural and farmland protection boards, municipalities, SOIL AND WATER CONSERVATION DISTRICTS and not-for-profit conservation organizations, and the need to protect the state's agricultural economy and land resources.

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

1. Subject to the availability of funds, a program is hereby established to finance through state assistance payments the state share of the costs of [county and municipal] LOCALLY-LED agricultural and farmland protection activities. State assistance payments for planning activities shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities shall not exceed twenty-five thousand dollars to each municipality other than a county or fifty thousand dollars to two such municipalities applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. A county which has an approved farmland protection plan may after one hundred twenty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county agricultural and farmland protection board or one hundred thousand dollars to two such boards applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for implementation of approved agricultural and farmland protection plans may fund up to seventy-five percent of the cost of implementing the county plan or portion of the plan for which state assistance payments are requested. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the local plan or portion of the plan for which state assistance has been requested. Such maximum shall be increased by a percentage equal to the percentage of the total eligible costs for such specified projects that are contributed by the owner of the agricultural land for which the project is being funded, provided, however, that in no event shall the total of such state assistance payments exceed eighty-seven and one-half percent of such eligible costs for any specified project.

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

(C) A SOIL AND WATER CONSERVATION DISTRICT MAY APPLY AND SHALL BE ELIGIBLE FOR AGRICULTURAL PROTECTION STATE ASSISTANCE PAYMENTS TO IMPLEMENT A COUNTY OR MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN APPROVED BY THE COMMISSIONER PROVIDED THAT THE PROPOSED PROJECT IS ENDORSED FOR FUNDING BY THE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD FOR THE COUNTY IN WHICH THE PROPOSED PROJECT IS LOCATED. A SOIL AND WATER CONSERVATION DISTRICT, TWO SUCH SOIL AND WATER CONSERVATION DISTRICTS ACTING JOINTLY, A SOIL AND WATER CONSERVATION DISTRICT AND A MUNICIPALITY ACTING JOINTLY, OR A SOIL AND WATER CONSERVATION DISTRICT AND A NOT-FOR-PROFIT CONSERVATION ORGANIZATION ACTING JOINTLY SHALL MAKE APPLICATION TO THE COMMISSIONER IN SUCH MANNER AS THE COMMISSIONER MAY PRESCRIBE. THE PROPOSED PROJECT MUST ALSO BE ENDORSED FOR FUNDING BY THE MUNICIPALITY IN WHICH THE PROPOSED PROJECT IS LOCATED IF THE SOIL AND WATER CONSERVATION DISTRICT IS SEEKING AGRICULTURAL PROTECTION STATE ASSISTANCE PAYMENTS TO IMPLEMENT AN APPROVED MUNICIPAL AGRICULTURAL AND FARMLAND PROTECTION PLAN. STATE ASSISTANCE PAYMENTS TO SUCH SOIL AND WATER CONSERVATION DISTRICTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE COST OF IMPLEMENTING THE LOCAL PLAN OR PORTION OF THE PLAN FOR WHICH STATE ASSISTANCE HAS BEEN REQUESTED. SUCH MAXIMUM SHALL BE INCREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE OF THE TOTAL ELIGIBLE COSTS FOR SUCH SPECIFIED PROJECTS THAT ARE CONTRIBUTED BY THE OWNER OF THE AGRICULTURAL LAND FOR WHICH THE PROJECT IS BEING FUNDED; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE TOTAL OF SUCH STATE ASSISTANCE PAYMENTS EXCEED EIGHTY-SEVEN AND ONE-HALF PERCENT OF SUCH ELIGIBLE COSTS FOR ANY SPECIFIED PROJECT. THE COMMISSIONER MAY REQUIRE SUCH INFORMATION OR ADDITIONAL PLANNING AS HE OR SHE DEEMS NECESSARY TO EVALUATE SUCH A REQUEST FOR STATE ASSISTANCE.

S 5. Subdivision 1 of section 119-o of the general municipal law, as amended by chapter 623 of the laws of 1998, is amended to read as follows:

1. In addition to any other general or special powers vested in municipal corporations and districts for the performance of their respective functions, powers or duties on an individual, cooperative, joint or contract basis, municipal corporations and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service or a joint water, sewage or drainage project. Notwithstanding the foregoing grant of authority, the temporary investment of moneys by more than one municipal corporation or district pursuant to a municipal cooperation agreement which meets the definition of "cooperative investment agreement" as set forth in article three-A of this chapter shall be in compliance with all of the requirements of that article. Any agreement entered into hereunder shall be approved by each participating municipal corporation or district by a majority vote of the voting strength of its governing body. Where the authority of any municipal corporation or district to perform by itself any function, power and duty or to provide by itself any facility, service, activity, project or undertaking or the financing thereof is, by any other general or special law, subject to a public hearing, a mandatory or permissive referendum, consents of governmental agencies, or other requirements applicable to the making of contracts, then its right to participate in an agreement hereunder shall be similarly conditioned. MUNICIPAL CORPORATIONS AND DISTRICTS SHALL ALSO HAVE THE POWER TO ENTER INTO, AMEND, CANCEL AND TERMINATE AGREEMENTS WITH A SOIL AND WATER CONSERVATION DISTRICT ESTABLISHED UNDER THE SOIL AND WATER CONSERVATION DISTRICTS LAW

FOR THE PERFORMANCE AMONG THEMSELVES OR ONE FOR THE OTHER OF THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES ON A COOPERATIVE OR CONTRACT BASIS OR FOR THE PROVISION OF A JOINT SERVICE OR A JOINT PROJECT; PROVIDED, HOWEVER, THAT THE EXERCISE OF ANY POWERS AND DUTIES UNDER THIS ARTICLE BY A SOIL AND WATER CONSERVATION DISTRICT SHALL BE SUBJECT TO THE POWERS, DUTIES AND LIMITATIONS IN SECTION NINE OF THE SOIL AND WATER CONSERVATION DISTRICTS LAW.

S 6. This act shall take effect immediately.