

5377--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Cially 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 150 of the laws of 2013, is amended to read as  
20 follows:

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

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1 6. reporting biennially to the governor and the legislature regarding  
2 the activities of the commissioner, INCLUDING EFFORTS TO ENHANCE ACCESS  
3 TO VIABLE AGRICULTURAL LAND FOR NEW AND BEGINNING FARMERS, the types of  
4 technical assistance rendered to county agricultural and farmland  
5 protection boards, municipalities, soil and water conservation districts  
6 and not-for-profit conservation organizations, and the need to protect  
7 the state's agricultural economy and land resources.

8 S 4. The agriculture and markets law is amended by adding a new  
9 section 329-a to read as follows:

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

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

23 S 5. Section 2 of the public lands law is amended by adding two new  
24 subdivisions 2-a and 2-b to read as follows:

25 2-A. STATE-OWNED REAL PROPERTY INVENTORY; FARMING. A. THE COMMISSIONER  
26 OF GENERAL SERVICES IS AUTHORIZED AND DIRECTED TO DEVELOP AN INVENTORY,  
27 IN COOPERATION WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS, OF  
28 STATE-OWNED REAL PROPERTY THAT MAY BE VIABLE FOR FARMING.

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

40 2-B. REPORT. THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE  
41 LEGISLATURE WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION  
42 ON:

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

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

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

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

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

1 3-A. LAND VIABLE FOR FARMING; IDENTIFICATION. THE COMMISSIONER OF  
2 GENERAL SERVICES IS AUTHORIZED AND DIRECTED, AS PART OF THE STATE-OWNED  
3 REAL PROPERTY MANAGEMENT PROGRAM, TO WORK WITH STATE AGENCIES TO IDENTI-  
4 FY LAND THAT MAY BE VIABLE FOR FARMING AND MAY BE MADE AVAILABLE FOR  
5 PURCHASE OR LEASE FOR FARMING.  
6 S 7. This act shall take effect immediately.