

2531--B

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

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

AN ACT to amend the soil and water conservation districts law, in relation to farm drain tile financial assistance; and to repeal section 4-a of such law relating thereto

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

1 Section 1. Section 4-a of the soil and water conservation districts
2 law is REPEALED and a new section 4-a is added to read as follows:
3 S 4-A. FARM DRAIN TILE FINANCIAL ASSISTANCE PROGRAM. 1. SUBJECT TO
4 THE AVAILABILITY OF FUNDS, FINANCIAL ASSISTANCE IS AVAILABLE TO FARM
5 OPERATIONS, AS DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE
6 AND MARKETS LAW, TO FUND THE IMPLEMENTATION OF SUBSURFACE TILE DRAINAGE
7 PROJECTS THAT MEET THE FOLLOWING CRITERIA:
8 A. THE FARM OPERATION MUST PARTICIPATE IN THE AGRICULTURAL ENVIRON-
9 MENTAL MANAGEMENT (AEM) PROGRAM AS SET FORTH IN ARTICLE ELEVEN-A OF THE
10 AGRICULTURE AND MARKETS LAW, HAVING COMPLETED AT LEAST AN AEM TIER 3A
11 NUTRIENT MANAGEMENT PLAN FOR THEIR ENTIRE CROP PRODUCTION LAND BASE;
12 B. THE PROJECT MUST BE FOR THE CONSTRUCTION OR IMPROVEMENT OF SUBSUR-
13 FACE DRAIN TILE, NUTRIENT MANAGEMENT AND BEST MANAGEMENT PRACTICES TO
14 REDUCE THE RISK OF NUTRIENTS EXITING TILE LINES;
15 C. THE PROJECT MUST BE IMPLEMENTED BY A DISTRICT, OR GROUP OF
16 DISTRICTS ACTING JOINTLY, AND SUCH DISTRICT OR DISTRICTS MUST HAVE FUNDS
17 AVAILABLE TO PAY FOR ITS/THEIR SHARE OF THE ELIGIBLE PROJECT COSTS.
18 2. APPLICATIONS FOR MATCHING GRANTS SHALL CONTAIN THE FOLLOWING INFOR-
19 MATION:

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

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1 A. THE NAME AND LOCATION OF THE FARM OPERATION AND THE TRACTS TO BE
2 IMPROVED THROUGH SUBSURFACE DRAINAGE;

3 B. IDENTIFICATION OF THE BEST MANAGEMENT PRACTICES TO BE IMPLEMENTED
4 TO REDUCE THE RISK OF NUTRIENTS EXITING TILE LINES;

5 C. A COST ESTIMATE FOR THE PROPOSED PROJECT;

6 D. THE SOURCE OF FUNDS AVAILABLE TO THE DISTRICT TO PAY FOR ITS SHARE
7 OF THE ELIGIBLE COSTS;

8 E. INFORMATION SUFFICIENT TO DEMONSTRATE THAT THE CRITERIA IN SUBDIVI-
9 SION ONE OF THIS SECTION HAVE BEEN MET; AND

10 F. SUCH FURTHER INFORMATION AS MAY THEREAFTER BE REQUIRED BY THE
11 COMMITTEE TO DETERMINE FUNDING PRIORITIZATION IN THE EVENT THAT APPLICA-
12 TIONS FOR FUNDING EXCEED AMOUNTS AVAILABLE FOR THE PURPOSE OF THIS
13 SECTION.

14 3. ELIGIBLE COSTS THAT MAY BE FUNDED PURSUANT TO THIS SECTION ARE
15 CONSULTANT/CONTRACTOR SERVICES, ENGINEERING COSTS, LEGAL SERVICES,
16 EQUIPMENT/MATERIALS, AND OTHER DIRECT EXPENSES RELATED TO PROJECT IMPLE-
17 MENTATION.

18 4. STATE ASSISTANCE PAYMENTS PURSUANT TO THIS SECTION SHALL BE UP TO A
19 MAXIMUM OF SEVENTY-FIVE PERCENT OF THE ELIGIBLE COSTS, NOT TO EXCEED
20 FIFTY THOUSAND DOLLARS PER ANNUM TO ANY SINGLE AGRICULTURAL PRODUCER.

21 5. THE COMMITTEE MAY ADOPT RULES AND REGULATIONS NECESSARY TO EFFECTU-
22 ATE THE PURPOSES OF THIS SECTION.

23 S 2. This act shall take effect on the sixtieth day after it shall
24 have become a law.