STATE OF NEW YORK

7817--A

IN SENATE

February 28, 2018

Introduced by Sens. RITCHIE, AKSHAR, BOYLE, CROCI, HELMING, LARKIN, LITTLE, MARCHIONE, ORTT, RANZENHOFER, ROBACH, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to enacting the military base and farmland preservation act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "military base and farmland preservation act".

§ 2. Article 9 of the environmental conservation law is amended by adding a new title 23 to read as follows:

TITLE 23

MILITARY BASE AND FARMLAND PRESERVATION

Section 9-2301. Military base and farmland preservation.

§ 9-2301. Military base and farmland preservation.

The commissioner shall establish and maintain an open space preservation project initiative which shall provide compensation to qualified property owners who forego certain development on such property.

1. For the purposes of this section:

(a) "Qualified property owner" shall mean any farmer, logger or forester who declines the development of any property or portion of property located within forty-five miles of a military installation or national weather service facility, provided that such qualified property owner can offer proof of farm-related or forestry-related income stemming from the subject property for at least one of the last three years;

(b) "Development" shall mean the construction of wind turbines, provided however, only such construction subject to an application to the public service commission or a municipality shall qualify.

2. Qualified property owners may negotiate with the state and its agents to reach an agreement to forego development for compensation for the purchase of development rights. When determining such compensation,

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

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the state shall consider current market rates for similar projects in such region or nearby regions.

3. Funding for such agreements shall be appropriated pending approval by the commissioner.

4. Such agreements shall be in effect for fifteen years and shall be renewable pending appropriation.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.