

# STATE OF NEW YORK

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777

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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Introduced by M. of A. CROUCH, BARCLAY, DiPIETRO, FINCH, GIGLIO, HAWLEY, KOLB, MONTESANO, OAKS, RAIA -- Multi-Sponsored by -- M. of A. FRIEND -- read once and referred to the Committee on Agriculture

AN ACT to enact the "New York farmer recruitment and retention act of 2018"; to direct the board of regents and education department to study agricultural education programs (Part A); to amend the education law, in relation to enacting the "agriculture producer scholarship act" and making appropriations therefor (Part B); to amend the education law, in relation to establishing the producer's loan forgiveness program (Part C); to direct the board of regents and the education department to implement an outreach program to encourage elementary and secondary students to enter the agricultural field (Part D); and to direct the commissioner of agriculture and markets to report on reducing the taxation for landowners who use their land for agricultural production (Part E)

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

1       Section 1. Short title. This act shall be known and may be cited as  
2 the "New York farmer recruitment and retention act of 2018".  
3       § 2. This act enacts into law major components of legislation which  
4 relate to farmer recruitment and retention. Each component is wholly  
5 contained within a Part identified as Parts A through E. The effective  
6 date for each particular provision contained within such Part is set  
7 forth in the last section of such Part. Any provision in any section  
8 contained within a Part, including the effective date of the Part, which  
9 makes reference to a section "of this act", when used in connection with  
10 that particular component, shall be deemed to mean and refer to the  
11 corresponding section of the Part in which it is found. Section four of  
12 this act sets forth the general effective date of this act.

13

### PART A

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

LBD04636-01-7

1 Section 1. Legislative findings and intent. The legislature hereby  
2 recognizes the need to increase the number of producers to continue the  
3 long tradition of agricultural production in New York state. The average  
4 age of a farm operator in the state is fifty-four years of age. In 2004,  
5 less than 1,000 students were awarded degrees in agriculture by a  
6 college in this state and the majority of these degrees were not awarded  
7 in a discipline leading to a career as a producer. The agricultural  
8 industry has a substantial impact on the overall economic health and  
9 well-being of the state, and it is in the best interest of the state to  
10 ensure that enough producers are recruited and retained in agricultural  
11 production.

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12     § 2. The board of regents and the education department, in consulta-  
13 tion with the department of agriculture and markets, shall:

(a) Investigate current education programs for agriculture in vocational-technical schools, community colleges and universities, to identify the scope of agricultural education programs in the state;

17 (b) Identify non-traditional college education programs administered  
18 in other states and other countries;

19 (c) Develop a model for articulation and career mobility to enable  
20 producers in every agricultural production field to progress to owner-  
21 ship or management of land used in agricultural production, as defined

22 in subdivision 4 of section 301 of the agriculture and markets law; and  
23 (d) Develop models for innovative agriculture education programs that  
24 will encourage individuals to become producers, utilizing an agricultural  
25 mentoring program from degree award to retirement, including  
26 continuing education opportunities.

27       § 3. The board of regents and the education department shall present  
28 their final findings and recommendations to the legislature on or before  
29 January 1, 2020.

30      § 4. This act shall take effect immediately.

31 PART B

32 Section 1. Short title. This act shall be known and may be cited as  
33 the "agriculture producer scholarship act".

34       § 2. Section 605 of the education law is amended by adding a new  
35 subdivision 13 to read as follows:

36       13. Agriculture producer scholarships. a. Purpose. The commissioner  
37 shall award scholarships for the purpose of increasing the number of  
38 producers in the state. Such scholarships shall be awarded on a compet-  
39 itive basis, in accordance with criteria established by the commission-  
40 er, to state residents who demonstrate academic merit for admission to  
41 an undergraduate agriculture program which the commissioner determines  
42 will enhance the recipient's proficiency as an agricultural operator.

43       b. Eligibility. To be eligible for an award pursuant to this subdivision,  
44 applicants shall agree to serve, upon completion of the degree  
45 program, as a producer on a full-time basis within the state. Such  
46 service shall be completed in accordance with criteria established by  
47 the commissioner.

48       c. Agreements. The president shall, in consultation with the commis-  
49 sioner, develop and secure from each successful applicant a written  
50 agreement to serve as an agricultural operator in this state. Within  
51 such time as the commissioner shall by regulation provide, a recipient  
52 of an award shall have served for that number of months calculated by  
53 multiplying by nine the number of annual payments received by the recip-  
54 ient. In no case shall the total number of months of service required be

1 less than twenty-four. If a recipient fails to comply fully with such  
2 conditions, the president shall be entitled to receive from such recipi-  
3 ent an amount to be determined by the formula:

4                   A=2B (t-s)

5                   -----

6                   t

7                   in which "A" is the amount the president is entitled to recover; "B"  
8                   is the sum of all payments made to the recipient and the interest on  
9                   such amount which would be payable if at the times such awards were paid  
10                  they were loans bearing interest at the maximum prevailing rate; "t"  
11                  is the total number of months in the recipient's period of obligated  
12                  services; and "s" is the number of months of service actually rendered  
13                  by the recipient. Any amount which the president is entitled to recover  
14                  pursuant to this paragraph shall be paid within the five-year period  
15                  beginning on the date that the recipient failed to comply with this  
16                  service condition. Nothing in the written agreement shall affect the  
17                  terms of employment of the individual who shall negotiate, separate and  
18                  apart from the program, his or her salary and other forms of employment  
19                  with an agency, institution or a program, in which he or she shall be  
20                  employed. Any obligation to comply with such provisions as outlined in  
21                  this subdivision shall be cancelled upon the death of the recipient. The  
22                  commissioner shall make regulations to provide for the waiver or suspen-  
23                  sion of any financial obligation which would involve extreme hardship.

24                  d. Report. A recipient of an award shall report annually to the New  
25                  York state higher education services corporation, on forms prescribed by  
26                  it, as to the performance of the required services, commencing with the  
27                  calendar year in which the recipient begins to serve as an agriculture  
28                  producer in this state and continuing until the recipient shall have  
29                  completed, or it is determined that he or she shall not be obligated to  
30                  complete, the required services. If the recipient shall fail to file any  
31                  report required pursuant to this paragraph within thirty days of written  
32                  notice to the recipient, mailed to the address shown on the last appli-  
33                  cation for an award or last report filed, whichever is later, the presi-  
34                  dent may impose a fine of up to one thousand dollars. The president  
35                  shall have the discretion to waive the filing of a report, excuse a  
36                  delay in filing or a failure to file a report, or waive or reduce any  
37                  fine imposed for good cause shown.

38                  § 3. The education law is amended by adding a new section 671-a to  
39                  read as follows:

40                  § 671-a. Agriculture producer scholarships. 1. Number and certif-  
41                  ication. Twenty-five agriculture producer scholarships shall be awarded  
42                  in the two thousand twenty--two thousand twenty-one academic year and an  
43                  additional twenty-five scholarships shall be awarded in the two thousand  
44                  twenty-one--two thousand twenty-two academic year. Such scholarships  
45                  shall be allocated as provided in subdivision thirteen of section six  
46                  hundred five of this title to eligible students as certified to the  
47                  president by the commissioner.

48                  2. Duration. Each such scholarship shall entitle the recipient to an  
49                  annual award for each year while enrolled in an approved course of study  
50                  leading to an undergraduate degree in agriculture, but not exceeding the  
51                  normal period of study required to complete the requirements for the  
52                  program, as such approved courses and normal periods of study are deter-  
53                  mined by the commissioner.

54                  3. Amount. The president shall make annual awards of fifteen thousand  
55                  dollars, for up to four academic years for any recipient, except that  
56                  such annual award shall not exceed the recipient's cost of attendance.

For the purposes of this subdivision, "cost of attendance" shall mean the cost of: tuition at an approved undergraduate program in agriculture; laboratory and other fees; room and board; supplies; health insurance coverage; books and a stipend for daily living expenses in an amount to be determined by the president in consultation with the commissioner.

7       § 4. The sum of fifty thousand dollars (\$50,000), or so much thereof  
8 as may be necessary, is hereby appropriated to the education department  
9 out of any moneys in the state treasury in the general fund to the cred-  
10 it of the state operations account, not otherwise appropriated, for its  
11 services and expenses incurred to administer and implement the  
12 provisions of this act in the 2020--2021 state fiscal year. Such sum  
13 shall be payable on vouchers certified or approved by the commissioner  
14 of education upon audit and warrant of the state comptroller in the  
15 manner prescribed by law.

16       § 5. The sum of one million five hundred thousand dollars  
17 (\$1,500,000), or so much thereof as may be necessary, is hereby appro-  
18 priated to the higher education services corporation out of any moneys  
19 in the state treasury in the general fund to the credit of the local  
20 assistance account, not otherwise appropriated, to carry out the  
21 purposes of this act, including costs of award of scholarships and for  
22 its services and expenses incurred to administer and implement the  
23 provisions of this act in the 2020--2021 state fiscal year. Such sum  
24 shall be payable on vouchers certified or approved by the president of  
25 the higher education services corporation upon audit and warrant of the  
26 state comptroller in the manner prescribed by law.

27       § 6. This act shall take effect immediately, and shall be deemed to  
28 have been in full force and effect on and after April 1, 2019.

### PART C

30 Section 1. Section 605 of the education law is amended by adding a new  
31 subdivision 14 to read as follows:

32       14. Producer's loan forgiveness program. Regents loan forgiveness  
33 awards shall be awarded annually to farm operator applicants who agree  
34 to operate an agricultural operation on a full-time basis. Such awards  
35 shall be granted annually, and shall be classified and allocated in  
36 accordance with regents rules.

37       a. (1) The applicant shall be a resident or permanent resident alien  
38       of this state and a graduate of an institution of higher education  
39       approved or registered by the regents.

40       (2) The applicant shall agree to engage in such employment for a peri-  
41       od of time which shall be not less than five years.

b. Priority shall be accorded to applicants in the following order:  
(1) First, to any applicant who is completing the second, third,  
fourth or fifth year of the service requirement and is reapplying for a  
new award.

45      New awards  
46      (2) Second, to any applicant who is economically disadvantaged as  
47      defined by the regents:

In the event that there are more applicants who have the same priority than there are remaining scholarships, the commissioner shall distribute the remaining number of such scholarships by means of a lottery or other form of random selection.

52       c. The commissioner shall then forward approved applications to the  
53 president and shall notify unsuccessful applicants.

d. The president shall notify applicants of their award entitlement.

1       e. The president shall, in consultation with the commissioner, develop  
2       and secure from each successful applicant a written agreement to engage  
3       in such employment, as appropriate. Within such time as the commissioner  
4       shall by regulation provide, a recipient of an award shall have engaged  
5       in such employment as appropriate, for that number of months calculated  
6       by multiplying by twelve the number of annual payments received by the  
7       recipient. In no case shall the total number of months of service  
8       required be less than twenty-four. If a recipient fails to comply fully  
9       with such conditions, the president shall be entitled to receive from  
10      such recipient an amount to be determined by the formula:

$$\frac{\mathbf{A}=\mathbf{B}(t-s)}{t}$$

14       in which "A" is the amount the president is entitled to recover; "B" is the sum of all payments made to the recipient and the interest on  
15       such amount which would be payable if at the times such awards were paid  
16       they were loans bearing interest at the maximum prevailing rate; "t" is  
17       the total number of months in the recipient's period of obligated  
18       services; and "s" is the number of months of service actually rendered  
19       by the recipient. Any amount which the president is entitled to recover  
20       under this paragraph shall be paid within the five-year period beginning  
21       on the date that the recipient failed to comply with this service condi-  
22       tion. Nothing in the written agreement shall affect the terms of employ-  
23       ment of the individual who shall negotiate, separate and apart from the  
24       program, his or her salary and other forms of employment with an agency,  
25       institution or a program in which he or she shall be employed.

27 Any obligation to comply with such provisions of this subdivision  
28 shall be cancelled upon the death of the recipient. The commissioner  
29 shall make regulations to provide for the waiver or suspension of any  
30 financial obligation which would involve extreme hardship.

31       f. A recipient of an award shall report annually to the New York state  
32       higher education services corporation, on forms prescribed by it, as to  
33       the performance of the required services, commencing with the calendar  
34       year in which the recipient begins such employment and continuing until  
35       the recipient shall have completed, or it is determined that he or she  
36       shall not be obligated to complete, the required services. If the recip-  
37       ient shall fail to file any report required pursuant to this paragraph  
38       within thirty days of written notice to the recipient, mailed to the  
39       address shown on the last application for an award or last report filed,  
40       whichever is later, the president may impose a fine of up to one thou-  
41       sand dollars. The president shall have the discretion to waive the  
42       filing of a report, excuse a delay in filing or a failure to file a  
43       report, or waive or reduce any fine imposed for good cause shown.

44       § 2. This act shall take effect on the one hundred eightieth day after  
45 it shall have become a law; provided, however, that any rules or regu-  
46 lations necessary for the timely implementation of this act on its  
47 effective date shall be promulgated on or before such effective date.

PART D

49 Section 1. The board of regents and the education department, in  
50 consultation with the department of agriculture and markets, shall  
51 develop and implement an outreach campaign encouraging elementary and  
52 secondary education students to enter the agricultural field and attend

1 one of New York state's college agriculture education programs. Such  
2 outreach campaign shall continue until December 31, 2024 or until  
3 enrollment in undergraduate agricultural programs increases by twenty-  
4 five percent.

5 § 2. This act shall take effect immediately.

6

PART E

7 Section 1. Report on agriculture taxation. The commissioner of agri-  
8 culture and markets shall study and make recommendations to the governor  
9 and the legislature within eighteen months of the effective date of this  
10 section on reducing the taxation for landowners who use land for the  
11 production of agricultural commodities within and outside agricultural  
12 districts, pursuant to article 25-AA of the agriculture and markets law.

13 § 2. This act shall take effect immediately.

14 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
15 sion, section or part of this act shall be adjudged by any court of  
16 competent jurisdiction to be invalid, such judgment shall not affect,  
17 impair, or invalidate the remainder thereof, but shall be confined in  
18 its operation to the clause, sentence, paragraph, subdivision, section  
19 or part thereof directly involved in the controversy in which such  
20 judgement shall have been rendered. It is hereby declared to be the  
21 intent of the legislature that this act would have been enacted even if  
22 such invalid provisions had not been included herein.

23 § 4. This act shall take effect immediately provided, however, that  
24 the applicable effective date of Parts A through E of this act shall be  
25 as specifically set forth in the last section of such Parts.