

STATE OF NEW YORK

7817

IN SENATE

February 28, 2018

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets 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:

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

3 § 2. The agriculture and markets law is amended by adding a new
4 section 325-b to read as follows:

5 § 325-b. Military base and farmland preservation. The commissioner
6 shall establish and maintain an open space preservation project initi-
7 ative which shall provide compensation to qualified property owners who
8 forego certain development on such property.

9 1. For the purposes of this section:

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

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

19 2. Qualified property owners may negotiate with the state and its
20 agents to reach an agreement to forego development for compensation for
21 the purchase of development rights. When determining such compensation,
22 the state shall consider current market rates for similar projects in
23 such region or nearby regions.

24 3. Funding for such agreements shall be appropriated pending approval
25 by the commissioner of environmental conservation.

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

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

LBD14835-04-8

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