

5168--A

Cal. No. 620

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to commercial equine operation in agriculture districts

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

1 Section 1. Subdivision 11 of section 301 of the agriculture and
2 markets law, as amended by chapter 120 of the laws of 2010, is amended
3 and a new subdivision 17 is added to read as follows:
4 11. "Farm operation" means the land and on-farm buildings, equipment,
5 manure processing and handling facilities, and practices which contrib-
6 ute to the production, preparation and marketing of crops, livestock and
7 livestock products as a commercial enterprise, including a "commercial
8 horse boarding operation" as defined in subdivision thirteen of this
9 section, a "timber operation" as defined in subdivision fourteen of this
10 section [and], "compost, mulch or other biomass crops" as defined in
11 subdivision sixteen of this section AND "COMMERCIAL EQUINE OPERATION" AS
12 DEFINED IN SUBDIVISION SEVENTEEN OF THIS SECTION. Such farm operation
13 may consist of one or more parcels of owned or rented land, which
14 parcels may be contiguous or noncontiguous to each other.
15 17. "COMMERCIAL EQUINE OPERATION" MEANS AN AGRICULTURAL ENTERPRISE,
16 CONSISTING OF AT LEAST SEVEN ACRES AND STABLING AT LEAST TEN HORSES,
17 REGARDLESS OF OWNERSHIP, THAT RECEIVES TEN THOUSAND DOLLARS OR MORE IN
18 GROSS RECEIPTS ANNUALLY FROM FEES GENERATED THROUGH THE PROVISION OF
19 COMMERCIAL EQUINE ACTIVITIES INCLUDING, BUT NOT LIMITED TO RIDING
20 LESSONS, TRAIL RIDING ACTIVITIES OR TRAINING OF HORSES OR THROUGH THE
21 PRODUCTION FOR SALE OF CROPS, LIVESTOCK, AND LIVESTOCK PRODUCTS, OR
22 THROUGH BOTH THE PROVISION OF SUCH COMMERCIAL EQUINE ACTIVITIES AND SUCH

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

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1 PRODUCTION. UNDER NO CIRCUMSTANCES SHALL THIS SUBDIVISION BE CONSTRUED
2 TO INCLUDE OPERATIONS WHOSE PRIMARY ON SITE FUNCTION IS HORSE RACING.
3 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, AN AGRICULTURAL
4 ENTERPRISE THAT IS PROPOSED OR IN ITS FIRST OR SECOND YEAR OF OPERATION
5 MAY QUALIFY AS A COMMERCIAL EQUINE OPERATION IF IT CONSISTS OF AT LEAST
6 SEVEN ACRES AND STABLES AT LEAST TEN HORSES, REGARDLESS OF OWNERSHIP, BY
7 THE END OF THE FIRST YEAR OF OPERATION.

8 S 2. Subdivision 4 of section 301 of the agriculture and markets law
9 is amended by adding a new paragraph 1 to read as follows:

10 1. LAND THAT IS OWNED OR RENTED BY A FARM OPERATION IN ITS FIRST OR
11 SECOND YEAR OF AGRICULTURAL PRODUCTION OR IN THE CASE OF A COMMERCIAL
12 EQUINE OPERATION, IN ITS FIRST OR SECOND YEAR OF OPERATION, THAT
13 CONSISTS OF NOT LESS THAN SEVEN ACRES AND STABLING AT LEAST TEN HORSES,
14 REGARDLESS OF OWNERSHIP, THAT RECEIVES TEN THOUSAND DOLLARS OR MORE IN
15 GROSS RECEIPTS ANNUALLY FROM FEES GENERATED THROUGH THE PROVISION OF
16 COMMERCIAL EQUINE ACTIVITIES INCLUDING, BUT NOT LIMITED TO RIDING
17 LESSONS, TRAIL RIDING ACTIVITIES OR TRAINING OF HORSES OR THROUGH THE
18 PRODUCTION FOR SALE OF CROPS, LIVESTOCK, AND LIVESTOCK PRODUCTS, OR
19 THROUGH BOTH THE PROVISION OF SUCH COMMERCIAL EQUINE ACTIVITIES AND SUCH
20 PRODUCTION. UNDER NO CIRCUMSTANCES SHALL THIS SUBDIVISION BE CONSTRUED
21 TO INCLUDE OPERATIONS WHOSE PRIMARY ON SITE FUNCTION IS HORSE RACING.

22 S 3. This act shall take effect immediately.