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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. YOUNG, RANZENHOFER -- 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 and the real property tax law, in relation to property tax exemption for on-farm structures that provide added value to farm products

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

1 Section 1. The opening paragraph of subdivision 4 of section 301 of
2 the agriculture and markets law, as separately amended by chapters 445
3 and 696 of the laws of 2002, is amended to read as follows:
4 "Land used in agricultural production" means not less than seven acres
5 of land used as a single operation in the preceding two years for the
6 production for sale of crops, livestock or livestock products of an
7 average gross sales value of ten thousand dollars or more; or, not less
8 than seven acres of land used in the preceding two years to support a
9 commercial horse boarding operation with annual gross receipts of ten
10 thousand dollars or more. Land used in agricultural production shall
11 [not] include land or portions thereof used for processing or retail
12 merchandising of such crops, livestock or livestock products. Land used
13 in agricultural production shall also include:
14 S 2. Subdivision 2 of section 483 of the real property tax law, as
15 amended by chapter 540 of the laws of 2007, is amended to read as
16 follows:
17 2. The term "structures and buildings" shall include: (a) structures
18 and buildings or portions thereof used directly and exclusively in the
19 raising and production for sale of agricultural and horticultural
20 commodities or necessary for the storage thereof, [but not] AND INCLUD-
21 ING structures and buildings or portions thereof used for the processing
22 of agricultural and horticultural commodities, or the retail merchandis-
23 ing of such commodities; (b) structures and buildings used to provide

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

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1 housing for regular and essential employees and their immediate families
2 who are primarily employed in connection with the operation of lands
3 actively devoted to agricultural and horticultural use, but not includ-
4 ing structures and buildings occupied as a residence by the applicant
5 and his immediate family; (c) structures and buildings used as indoor
6 exercise arenas exclusively for training and exercising horses in
7 connection with the raising and production for sale of agricultural and
8 horticultural commodities or in connection with a commercial horse
9 boarding operation as defined in section three hundred one of the agri-
10 culture and markets law. For purposes of this section, the term "indoor
11 exercise arenas" shall not include riding academies or dude ranches; (d)
12 structures and buildings used in the production of maple syrup; (e)
13 structures and buildings used in the production of honey and beeswax
14 including those structures and buildings used for the storage of bees.
15 For purposes of this section, this shall not include those structures or
16 buildings and portions thereof used for the sale of maple syrup or sale
17 of honey and beeswax. The term "structures and buildings" shall not
18 include silos, bulk milk tanks or coolers, or manure storage and handl-
19 ing facilities as such terms are used in section four hundred eighty-
20 three-a of this title.

21 S 3. This act shall take effect immediately and shall apply to assess-
22 ment rolls prepared on the basis of taxable status dates occurring on or
23 after such date.