

STATE OF NEW YORK

35

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to allowing agriculture districts to be converted to solar use without penalty

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

1 Section 1. Subdivision 5 of section 301 of the agriculture and markets
2 law, as amended by chapter 565 of the laws of 2003, is amended to read
3 as follows:

4 5. "Oil, gas, solar or wind exploration, development or extraction
5 activities" means the installation and use of fixtures and equipment
6 which are necessary for the exploration, development or extraction of
7 oil, natural gas, solar energy or wind energy, including access roads,
8 drilling apparatus, pumping facilities, pipelines, solar panels and wind
9 turbines.

10 § 2. Subparagraph (iv) of paragraph d of subdivision 1 of section 305
11 of the agriculture and markets law, as amended by chapter 565 of the
12 laws of 2003, is amended to read as follows:

13 (iv) If such land or any portion thereof is converted to a use other
14 than for agricultural production by virtue of oil, gas, solar or wind
15 exploration, development, or extraction activity or by virtue of a
16 taking by eminent domain or other involuntary proceeding other than a
17 tax sale, the land or portion so converted shall not be subject to
18 payments. If the land so converted constitutes only a portion of a
19 parcel described on the assessment roll, the assessor shall apportion
20 the assessment, and adjust the agricultural assessment attributable to
21 the portion of the parcel not subject to such conversion by subtracting
22 the proportionate part of the agricultural assessment attributable to
23 the portion so converted. Provided further that land within an agricul-
24 tural district and eligible for an agricultural assessment shall not be

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

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1 considered to have been converted to a use other than for agricultural
2 production solely due to the conveyance of oil, gas, solar or wind
3 rights associated with that land.

4 § 3. Paragraph c of subdivision 2 of section 306 of the agriculture
5 and markets law, as amended by chapter 565 of the laws of 2003, is
6 amended to read as follows:

7 c. If such land or any portion thereof is converted by virtue of oil,
8 gas, solar or wind exploration, development, or extraction activity or
9 by virtue of a taking by eminent domain or other involuntary proceeding
10 other than a tax sale, the land or portion so converted shall not be
11 subject to payments. If land so converted constitutes only a portion of
12 a parcel described on the assessment roll, the assessor shall apportion
13 the assessment, and adjust the agricultural assessment attributable to
14 the portion of the parcel not subject to such conversion by subtracting
15 the proportionate part of the agricultural assessment attributable to
16 the portion so converted. Provided further that land outside an agricul-
17 tural district and eligible for an agricultural assessment pursuant to
18 this section shall not be considered to have been converted to a use
19 other than for agricultural production solely due to the conveyance of
20 oil, gas, solar or wind rights associated with that land.

21 § 4. This act shall take effect immediately.