

STATE OF NEW YORK

3770

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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

AN ACT to amend the agriculture and markets law, in relation to solar exploration, development and extraction activities in agricultural districts

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 or wind energy, including access roads, drilling
8 apparatus, pumping facilities, pipelines, and wind turbines.

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

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

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

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1 production solely due to the conveyance of oil, gas, solar or wind
2 rights associated with that land.

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

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

20 § 4. This act shall take effect immediately.