

3455

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the agriculture and markets law, in relation to the powers and duties of the commissioner of agriculture and markets pertaining to the direct marketing of grapes and other fruit products, and the profitability of farming and the preservation of viable farm land; and to amend the real property tax law, in relation to a limited and partial exemption for certain structures and buildings used in the operation of wineries and distilleries

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

1 Section 1. Section 3 of the agriculture and markets law, as amended by
2 chapter 651 of the laws of 1946, is amended to read as follows:
3 S 3. Declaration of policy and purposes. The agricultural industry is
4 basic to the life of our state. It vitally concerns and affects the
5 welfare, health, economic well-being and productive and industrial capa-
6 bilities of all our people. It is the policy and duty of the state to
7 promote, foster, and encourage the agricultural industry, with proper
8 standards of living for those engaged therein; to design and establish
9 long-range programs for its stabilization and profitable operation; to
10 increase through education, research, regulation, and scientific means,
11 the quantity, quality, and efficiency of its production; to improve its
12 marketing system; to encourage adequate and skilled assistance for agri-
13 cultural enterprises; to maintain at fair prices uncontrolled by specu-
14 lation the instrumentalities and products of agriculture; to remove
15 unnecessary or unfair costs and obstacles in the [transportation] TRANS-
16 PORTATION, storage, processing, distribution, marketing, and sale of
17 agricultural products; to prevent frauds in the traffic therein; to
18 promote an expanded demand for the state's agricultural products and the
19 intelligent uses thereof by consumers as pure and wholesome food; to
20 protect the public health and to eliminate the evils of under-nourish-

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

LBD05418-01-9

1 ment; to encourage the selection and consumption of food according to
2 sound dietary and nutritional principles; and to make our people
3 conscious of the bond of mutual self-interest between our urban and our
4 rural populations.

5 AT THE DAWN OF THE TWENTY-FIRST CENTURY, THE LEGISLATURE FINDS THAT
6 EVER-INCREASING ECONOMIC CHANGES AND PRESSURES ON FARMING HAVE INTENSI-
7 FIED THE DIFFICULTIES FACED BY THOSE ENGAGED IN AGRICULTURAL PRODUCTION
8 FOR THEIR LIVELIHOODS, MANY OF WHOM ARE THE DESCENDANTS OF GENERATIONS
9 OF FARMERS. THESE POWERFUL FORCES, NATIONWIDE AND GLOBAL, HAVE INCREASED
10 THE URGENCY OF THE PROBLEMS AND THE NEED TO IMPLEMENT THE PROVISIONS OF
11 THE FOREGOING PARAGRAPH OF THIS SECTION. THUS, THE LEGISLATURE CONTINUES
12 TO ENACT MEASURES DELIBERATELY INTENDED TO FULFILL THE GOALS OF SAID
13 PARAGRAPH. THE NEED HAS NEVER BEEN GREATER.

14 Accordingly, all laws enacted concerning the agricultural industry and
15 its allied subjects, whether included in this chapter or not, are to be
16 deemed an exercise of the police power of the state and a discharge of
17 its obligations for the promotion of the general welfare through state-
18 wide laws and regulations, local initiative and government, cooperative
19 action between groups and localities, home-rule measures, individual
20 enterprise, civic consciousness, and appropriate coordination with the
21 federal government and as between educational research institutions
22 within the state.

23 Such laws and all governmental measures adopted pursuant thereto
24 should receive a liberal interpretation and application in furtherance
25 of the aforesaid policy and purposes.

26 S 2. Subdivision 1 of section 16 of the agriculture and markets law,
27 as amended by chapter 639 of the laws of 2004, is amended to read as
28 follows:

29 1. Execute and carry into effect the laws of the state and the rules
30 of the department, relative to agriculture, horticulture, farm, fruit
31 AND FRUIT PRODUCTS, and dairy products, aquaculture, and the production,
32 processing, transportation, storage, marketing and distributing of food;
33 enforce and carry into effect the provisions of the laws of the state
34 relative to weights and measures.

35 S 3. Subdivision 2 of section 16 of the agriculture and markets law,
36 such section as renumbered by chapter 16 of the laws of 1935, is amended
37 to read as follows:

38 2. Aid in the promotion and development of the agricultural resources
39 of the state and the improvement of the conditions of rural life; the
40 improvement of the fertility and productiveness of farm AND ORCHARD
41 lands and the restoration to fertility and productiveness of unoccupied
42 and unproductive land; the settlement of farms and the supply of farm
43 labor; the stocking of farms with meat-producing and dairy animals and
44 promoting the production of cereals, fruits and vegetables, AND THE
45 PROCESSING THEREOF, and co-operate with county farm bureaus[,] and with
46 agricultural, dairying and horticultural associations or corporations
47 and other agencies organized for any or all of such purposes.

48 S 4. Subdivision 2-b of section 16 of the agriculture and markets law,
49 as amended by chapter 639 of the laws of 2004, is amended to read as
50 follows:

51 2-b. Aid in the promotion, marketing, and sale of New York state
52 labelled wines, grapes [and], grape products, OTHER FRUITS AND ALL OTHER
53 FRUIT PRODUCTS in cooperation with the department of economic develop-
54 ment both within and outside the state and to provide promotion and
55 marketing advisement to wineries, farm wineries, micro-wineries, grape

1 and other fruit growers and processors, and related trade organizations
2 located within this state.

3 S 5. Subdivisions 5, 11 and 13 of section 283 of the agriculture and
4 markets law, as added by chapter 834 of the laws of 1981, are amended to
5 read as follows:

6 5. Provide assistance to consumer, COMMUNITY or non-profit organiza-
7 tions seeking to purchase or facilitate the purchase of farm products
8 directly from producers.

9 11. Establish a statewide advisory council which shall provide infor-
10 mation to and advise the commissioner, as prescribed by him OR HER, on
11 policy, planning, and programs.

12 13. Undertake any other activities which he OR SHE deems necessary to
13 accomplish the purposes of this article.

14 S 6. Subdivision 9 of section 284 of the agriculture and markets law,
15 as amended by chapter 639 of the laws of 2004, is amended to read as
16 follows:

17 9. Establish the Hudson valley agricultural center to serve as a
18 marketing, promotional, informational and cultural center for the Hudson
19 river valley agricultural region and greenway and to promote the
20 production of fruits [() AND FRUIT PRODUCTS, including juices, jellies,
21 [and] preserves [made therefrom)], wine, GRAPPA AND cider, vegetables[,]
22 and other agricultural products.

23 S 7. The opening paragraph and paragraph a of subdivision 3 of section
24 285 of the agriculture and markets law, as added by chapter 834 of the
25 laws of 1981, are amended to read as follows:

26 The duties and responsibilities of the statewide advisory council
27 shall be prescribed by the commissioner [and he], WHO may specifically
28 delegate to the council any or all of the following duties and responsi-
29 bilities:

30 a. [Assisting] ASSIST the commissioner in the collection and assembly
31 of information and data necessary for the proper administration of this
32 article.

33 S 8. Subdivision 2 of section 285-b of the agriculture and markets
34 law, as amended by chapter 571 of the laws of 2008, is amended to read
35 as follows:

36 2. The advisory council, in consultation with the Hudson river valley
37 greenway communities council, the upstate New York tourism council, and
38 the downstate New York tourism council, may recommend programs and
39 promotional activities designed to preserve and enhance Hudson valley
40 region tourism, INCREASE THE PROFITABILILITY OF FARMING and PRESERVE
41 VIABLE agricultural open [space] SPACES, address issues affecting the
42 viability of agriculture, including real property tax policies and
43 municipal land use issues AND POLICIES, and promote greater agricultural
44 marketing and promotional opportunities for the region's agricultural
45 producers to the department.

46 S 9. The real property tax law is amended by adding a new section
47 483-e to read as follows:

48 S 483-E. EXEMPTION FROM TAXATION OF STRUCTURES AND BUILDINGS ESSENTIAL
49 TO THE OPERATION OF WINERIES AND DISTILLERIES. 1. STRUCTURES AND BUILD-
50 INGS ESSENTIAL TO THE PROCESSING OR STORAGE OF FRUIT, AND ACTUALLY USED
51 AND OCCUPIED TO CARRY OUT SUCH PROCESSING OR STORAGE BY ANY PERSON OR
52 ENTITY LICENSED UNDER SECTION SIXTY OR SEVENTY-FIVE OF THE ALCOHOLIC
53 BEVERAGE CONTROL LAW, WHICH ARE CONSTRUCTED OR RECONSTRUCTED SUBSEQUENT
54 TO THE EFFECTIVE DATE AND INITIAL APPLICABILITY QUALIFICATION THEREOF OF
55 THIS SECTION SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF FIFTY

1 PERCENT OF ANY INCREASE IN VALUE THEREOF BY REASON OF SUCH CONSTRUCTION
2 OR RECONSTRUCTION FOR A PERIOD OF TEN YEARS.

3 2. THE TERM "STRUCTURES AND BUILDINGS" INCLUDES STRUCTURES AND BUILD-
4 INGS OR PORTIONS THEREOF USED DIRECTLY AND EXCLUSIVELY IN THE PROCESSING
5 OR STORAGE OF FRUIT BY A PERSON OR ENTITY LICENSED UNDER SECTION SIXTY
6 OR SEVENTY-FIVE OF THE ALCOHOLIC BEVERAGE CONTROL LAW TO PRODUCE OR
7 MANUFACTURE WINE, LIQUOR, ALCOHOL OR SPIRITS, BUT DOES NOT INCLUDE
8 STRUCTURES OR BUILDINGS WITHIN THE MEANING OF SUBDIVISION TWO OF SECTION
9 FOUR HUNDRED EIGHTY-THREE OF THIS TITLE.

10 3. SUCH EXEMPTION FROM TAXATION SHALL BE GRANTED ONLY UPON AN APPLICA-
11 TION BY THE OWNER OF THE BUILDING OR STRUCTURE ON A FORM PRESCRIBED BY
12 THE STATE BOARD. THE APPLICANT SHALL FURNISH SUCH INFORMATION AS SUCH
13 BOARD SHALL REQUIRE. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR
14 OF THE CITY, TOWN, VILLAGE OR COUNTY HAVING THE POWER TO ASSESS PROPERTY
15 FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH
16 CITY, TOWN, VILLAGE OR COUNTY AND WITHIN ONE YEAR FROM THE DATE OF
17 COMPLETION OF SUCH CONSTRUCTION OR RECONSTRUCTION.

18 4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
19 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
20 TION. SUCH STRUCTURES OR BUILDINGS SHALL BE EXEMPT FROM TAXATION AS
21 PROVIDED IN THIS SECTION.

22 5. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS
23 SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE PORTION OF THE ASSESS-
24 MENT ROLL PROVIDED FOR PROPERTY EXEMPT FROM TAXATION. AN EXEMPTION
25 GRANTED PURSUANT TO THIS SECTION SHALL CONTINUE ONLY WHILE THE BUILDINGS
26 AND STRUCTURES ARE ACTUALLY USED AND OCCUPIED AS PROVIDED FOR IN THIS
27 SECTION, BUT IN NO EVENT FOR MORE THAN TEN YEARS.

28 6. IN THE EVENT THAT BUILDINGS OR STRUCTURES OR PORTIONS THEREOF USED
29 DIRECTLY AND EXCLUSIVELY IN THE PROCESSING OR STORAGE OF FRUIT BY A
30 PERSON OR ENTITY LICENSED UNDER SECTION SIXTY OR SEVENTY-FIVE OF THE
31 ALCOHOLIC BEVERAGE CONTROL LAW TO PRODUCE OR MANUFACTURE WINE, LIQUOR,
32 ALCOHOL OR SPIRITS ARE CONVERTED TO ANY OTHER USE OR CEASE TO BE SO USED
33 DURING THE PERIOD OF AN EXEMPTION GRANTED PURSUANT TO THIS SECTION, THE
34 STRUCTURES OR BUILDINGS OR PORTIONS THEREOF UPON WHICH THE EXEMPTION WAS
35 GRANTED SHALL BE SUBJECT TO ROLL-BACK TAXES FOR THE PERIOD DURING WHICH
36 THE EXEMPTION WAS OPERATIVE. STRUCTURES AND BUILDINGS SUBJECT TO
37 ROLL-BACK TAXES SHALL BE TAXED AS PROVIDED FOR IN THIS SECTION.

38 (A) NOTWITHSTANDING ANY LIMITATIONS CONTAINED IN SECTION FIVE HUNDRED
39 FIFTY OF THIS CHAPTER, THE ASSESSOR OF THE APPROPRIATE ASSESSING UNIT
40 SHALL ENTER ON THE TAXABLE PORTION OF THE ASSESSMENT ROLL OF THE CURRENT
41 YEAR THE ASSESSED VALUATION OR VALUATIONS OF THE STRUCTURES OR BUILDINGS
42 ON WHICH EXEMPTION WAS GRANTED IN ANY PRIOR YEAR OR YEARS AT THE
43 ASSESSED VALUATION OR VALUATIONS AS SET FORTH ON THE EXEMPT PORTION OF
44 THE ASSESSMENT ROLL OR ROLLS.

45 (B) THE AMOUNT OF ROLL-BACK TAXES SHALL BE COMPUTED BY THE APPROPRIATE
46 TAX LEVYING BODY BY APPLYING THE APPLICABLE TAX RATE FOR EACH SUCH PRIOR
47 YEAR TO THE ASSESSED VALUATION, AS SET FORTH ON THE EXEMPT PORTION OF
48 THE ASSESSMENT ROLL, FOR SUCH STRUCTURES OR BUILDINGS FOR EACH SUCH
49 PRIOR YEAR DURING SUCH PERIOD OF EXEMPTION.

50 (C) SUCH ROLL-BACK TAXES SHALL BE LEVIED AND COLLECTED IN THE SAME
51 MANNER AND AT THE SAME TIME AS OTHER TAXES ARE IMPOSED AND LEVIED ON
52 SUCH ROLL.

53 7. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION FIVE HUNDRED
54 EIGHTY-TWO OF THIS CHAPTER, STRUCTURES AND BUILDINGS RECEIVING AN
55 EXEMPTION PURSUANT TO THIS SECTION SHALL BE ASSESSED PURSUANT TO SAID
56 SECTION FIVE HUNDRED EIGHTY-TWO.

1 S 10. This act shall take effect immediately; provided, however, that
2 section eight of this act shall take effect on the same date and in the
3 same manner as chapter 571 of the laws of 2008 takes effect; provided,
4 further, that section nine of this act shall apply to assessment rolls
5 prepared on the basis of taxable status dates occurring on or after the
6 first of January next succeeding the date on which it shall have become
7 a law.