S T A T E O F N E W Y O R K

5108

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A. FINCH, HAWLEY, RAIA -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, the environmental conservation law and the tax law, in relation to establishing the equine industry assistance act of 2009, including the New York horse grazing program and providing an appropriation therefor

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

Section 1. This act shall be known and may be cited as the "equine industry assistance act of 2009".

S 2. Legislative findings and intent. The legislature hereby recognizes that the equine industry is a serious, economically diverse and productive industry that is vital to New York, and has a substantial impact on the state's economy. In addition to the pleasure that horses bring to the citizens of this state, the horse industry affords full-time jobs, provides value-added services and recreation, and the visual beauty of New York's horse farms should be protected and enhanced.

S 3. The agriculture and markets law is amended by adding a new section 23-a to read as follows:

S 23-A. EQUINE INDUSTRY WEBPAGE. 1. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION:

(A) THE DEPARTMENT SHALL PROVIDE FREE PUBLIC ACCESS, VIA THE INTERNET DATA SYSTEM, PURSUANT TO THE MECHANISM ESTABLISHED BY THE COMMISSIONER, TO INFORMATION IMPORTANT TO THE EQUINE INDUSTRY, INCLUDING:

(1) DEPARTMENT PROGRAMS RELEVANT TO THE EQUINE INDUSTRY;

(2) HORSE DISEASES;

(3) REGULATIONS RELEVANT TO THE EQUINE INDUSTRY;

(4) STATISTICS ON THE EQUINE INDUSTRY IN THE STATE;

(5) FUNDING OPPORTUNITIES;

(6) A LINK TO THE FARM FRESH DIRECTORY;

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

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(7) A DIRECTORY, TO BE DEVELOPED IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, OF AVAILABLE PUBLIC HORSEBACK RIDING TRAILS IN THE STATE; AND

(8) OTHER INFORMATION AS DEEMED NECESSARY BY THE COMMISSIONER.

(B) THE COMMISSIONER SHALL POST THE INFORMATION PROVIDED PURSUANT TO THIS SUBDIVISION ON THE DEPARTMENT'S WEBSITE AND A LINK TO SUCH INFORMATION SHALL BE CONSPICUOUSLY DISPLAYED ON THE DEPARTMENT'S HOMEPAGE. THE DEPARTMENT SHALL PROVIDE UPDATES TO ITS LISTS AT SUCH TIMES AND IN SUCH MANNER AS THE COMMISSIONER SHALL REQUIRE.

2. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, A DIRECTORY OF RIDING STABLES AND TRAILS SHALL BE INCLUDED AS PART OF THE FARM FRESH DIRECTORY AVAILABLE ON THE DEPARTMENT'S WEBSITE. THE COMMISSIONER SHALL PROMULGATE RULES FOR THE ACCEPTANCE OF INFORMATION ON RIDING STABLES AND TRAILS LOCATED IN THE STATE, PROVIDED THAT EVENT INFORMATION SHALL BE ACCEPTED BY THE DEPARTMENT YEAR ROUND AND THAT SUCH INFORMATION SHALL BE PROVIDED TO THE PUBLIC FREE OF CHARGE VIA THE INTERNET DATA SYSTEM WITHIN ONE WEEK OF RECEIPT OF SUCH INFORMATION.

3. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

4. NOTHING CONTAINED IN THIS SECTION SHALL ABRIDGE PUBLIC ACCESS TO INFORMATION CURRENTLY AVAILABLE OR PERMITTED BY ANY OTHER PROVISION OR RULE OF LAW.

S 4. The agriculture and markets law is amended by adding a new article 24-A to read as follows:

ARTICLE 24-A

NEW YORK HORSE GRAZING PROGRAM

SECTION 291. SHORT TITLE.
291-A. LEGISLATIVE INTENT.
291-B. DEFINITIONS.
291-C. NEW YORK HORSE GRAZING PROGRAM.
291-D. MATCHING GRANT PROGRAM.

S 291. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK HORSE GRAZING ACT OF 2009".

S 291-A. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS, DETERMINES AND DECLARES THAT THE NEW YORK EQUINE INDUSTRY HAS A SUBSTANTIAL IMPACT ON THE OVERALL ECONOMIC HEALTH AND WELL-BEING OF THE STATE AND THE GRAZING PASTURES USED BY HORSES PROVIDES AN AESTHETICALLY PLEASING LANDSCAPE. THE ABILITY OF FARMERS WITHIN THE STATE TO EFFICIENTLY AND EFFECTIVELY GRAZE HORSES ON THE FARM USING THE BEST KNOWN METHODS WOULD PROVIDE THEM WITH A SUBSTANTIAL COMPETITIVE ADVANTAGE AND HELP THEM TO REMAIN VIABLE IN THE FUTURE. IT IS IN THE INTEREST OF THE STATE TO PROVIDE PROGRAMS THAT WOULD ASSIST COMMERCIAL HORSE OPERATIONS WITHIN THE STATE BY PROVIDING INCENTIVES FOR TECHNICAL ASSISTANCE PROGRAMS TO HELP FARMERS GRAZE HORSES IN THE MOST EFFECTIVE WAY POSSIBLE.

S 291-B. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "PROGRAM" SHALL MEAN THE NEW YORK HORSE GRAZING PROGRAM.

2. "HORSE" SHALL HAVE THE SAME DEFINITION AS IN SUBDIVISION FOUR OF SECTION NINETY-B OF THIS CHAPTER.

3. "GRAZING" SHALL MEAN FEEDING ON GRASS, OR OTHER PLANT CROP IN A FIELD.

4. "APPLICANT" SHALL MEAN ANY ASSOCIATION, COOPERATIVE, CORPORATION OR LIMITED LIABILITY COMPANY THAT PROVIDES TECHNICAL ASSISTANCE TO A FARM

OPERATION OR A COMMERCIAL HORSE BOARDING OPERATION AS SUCH OPERATIONS ARE DEFINED IN SECTION THREE HUNDRED ONE OF THIS CHAPTER.

S 291-C. NEW YORK HORSE GRAZING PROGRAM. THE COMMISSIONER SHALL INITIATE AND MAINTAIN A NEW YORK HORSE GRAZING PROGRAM WITHIN THE DEPARTMENT FOR THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO APPLICANTS FOR THE PURPOSE OF GRAZING HORSES. THE PROGRAM SHALL PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF MATCHING GRANTS TO APPLICANTS FOR THE ESTABLISHMENT OR IMPROVEMENT OF TECHNICAL ASSISTANCE PROGRAMS THAT ASSIST OPERATORS WITH INCORPORATING THE BEST HORSE GRAZING PRACTICES.

S 291-D. MATCHING GRANT PROGRAM. SUBJECT TO THE AVAILABILITY OF FUNDS, A MATCHING GRANT PROGRAM IS HEREBY ESTABLISHED TO HELP FUND THE COSTS OF IMPROVEMENTS THAT WOULD ALLOW AN ELIGIBLE APPLICANT TO MAKE IMPROVEMENTS TO ITS OPERATION FOR THE PURPOSE OF PROVIDING FOR ON-SITE VALUE ADDED PROCESSING OF AGRICULTURAL PRODUCTS. GRANTS TO ELIGIBLE APPLICANTS SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS.

S 5. Section 326 of the agriculture and markets law, as added by chapter 797 of the laws of 1992, is amended to read as follows:

S 326. Promulgation of rules and regulations. The commissioner is empowered to promulgate such rules and regulations and to prescribe such forms as he or she deems necessary to effectuate the purposes of this article, PROVIDED SUCH RULES MUST INCLUDE REGULATIONS TO PREVENT THE ESTABLISHMENT OF NEW, COMMERCIAL HORSE BOARDING OPERATIONS ON LAND ON WHICH STATE FUNDS WERE USED FOR COUNTY AGRICULTURAL PROTECTION ACTIVITIES.

S 6. Subdivision 2 of section 9-0105 of the environmental conservation law, as amended by chapter 351 of the laws of 1983, is amended to read as follows:

2. Consistent with the provisions of section 9-0109 of this [chapter] TITLE, establish, acquire, control and manage state parks, historic sites and parkways in the forest preserve counties within the sixth park region as defined in section 41-0101 OF THIS CHAPTER and to acquire lands for such purposes when moneys have been appropriated therefor, PROVIDED THAT HORSE TRAILS ARE CONSIDERED AS A PRACTICAL RECREATIONAL USE WHENEVER THE DEPARTMENT DEVELOPS OR UPDATES THE MANAGEMENT PLAN FOR A STATE PARK, HISTORIC SITE OR PARKWAY.

S 7. Paragraph (i) of subdivision 22 of section 210 of the tax law, as amended by section 6 of part K of chapter 62 of the laws of 2006, is amended to read as follows:

(i) Special rules. For purposes of this subdivision, the term "federal gross income from farming" shall include gross income from the production of maple syrup, cider, Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump, or from a commercial horse boarding operation as defined in subdivision thirteen of section three hundred one of the agriculture and markets law, ON LAND ON WHICH STATE FUNDS WERE USED FOR COUNTY AGRICULTURAL PROTECTION ACTIVITIES, or from the sale of wine from a licensed farm winery as provided for in article six of the alcoholic beverage control law.

S 8. Paragraph 8 of subsection (n) of section 606 of the tax law, as amended by section 3 of part K of chapter 62 of the laws of 2006, is amended to read as follows:

(8) Special rules. For purposes of this subsection, the term "federal gross income from farming" shall include gross income from the production of maple syrup, cider, Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump, or from a commercial horse boarding operation as defined in

subdivision thirteen of section three hundred one of the agriculture and markets law, EXCEPT THOSE ESTABLISHED ON LAND ON WHICH STATE FUNDS WERE USED FOR COUNTY AGRICULTURAL PROTECTION ACTIVITIES, or from the sale of wine from a licensed farm winery as provided for in article six of the alcoholic beverage control law.

S 9. The sum of two hundred fifty thousand dollars ($250,000), or so much thereof as may be necessary, is hereby appropriated to the department of agriculture and markets out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated and made immediately available to establish a New York horse grazing program pursuant to article 24-A of the agriculture and markets law.

S 10. This act shall take effect immediately; provided, however, that section four of this act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the commissioner of agriculture and markets is authorized to promulgate any and all rules and regulations necessary for the timely implementation of section four of this act on or before the effective date of such section.