

2589--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. CROUCH, FINCH, HAWLEY, PALMESANO, RAIA -- Multi-Sponsored by -- M. of A. DiPIETRO, FRIEND -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2016, 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:

1 Section 1. This act shall be known and may be cited as the "equine  
2 industry assistance act of 2016".  
3 S 2. Legislative findings and intent. The legislature hereby recog-  
4 nizes that the equine industry is a serious, economically diverse and  
5 productive industry that is vital to New York, and has a substantial  
6 impact on the state's economy. In addition to the pleasure that horses  
7 bring to the citizens of this state, the horse industry affords full-  
8 time jobs, provides value-added services and recreation, and the visual  
9 beauty of New York's horse farms should be protected and enhanced.  
10 S 3. The agriculture and markets law is amended by adding a new  
11 section 23-a to read as follows:  
12 S 23-A. EQUINE INDUSTRY WEBPAGE. 1. WITHIN ONE YEAR OF THE EFFECTIVE  
13 DATE OF THIS SECTION:  
14 (A) THE DEPARTMENT SHALL PROVIDE FREE PUBLIC ACCESS, VIA THE INTERNET  
15 DATA SYSTEM, PURSUANT TO THE MECHANISM ESTABLISHED BY THE COMMISSIONER,  
16 TO INFORMATION IMPORTANT TO THE EQUINE INDUSTRY, INCLUDING:  
17 (1) DEPARTMENT PROGRAMS RELEVANT TO THE EQUINE INDUSTRY;  
18 (2) HORSE DISEASES;  
19 (3) REGULATIONS RELEVANT TO THE EQUINE INDUSTRY;

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

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- 1 (4) STATISTICS ON THE EQUINE INDUSTRY IN THE STATE;
- 2 (5) FUNDING OPPORTUNITIES;
- 3 (6) A LINK TO THE FARM FRESH DIRECTORY;
- 4 (7) A DIRECTORY, TO BE DEVELOPED IN CONSULTATION WITH THE DEPARTMENT
- 5 OF ENVIRONMENTAL CONSERVATION AND THE OFFICE OF PARKS, RECREATION AND
- 6 HISTORIC PRESERVATION, OF AVAILABLE PUBLIC HORSEBACK RIDING TRAILS IN
- 7 THE STATE; AND

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

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

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

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

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

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

29 ARTICLE 24-A

30 NEW YORK HORSE GRAZING PROGRAM

- 31 SECTION 291. SHORT TITLE.
- 32 291-A. LEGISLATIVE INTENT.
- 33 291-B. DEFINITIONS.
- 34 291-C. NEW YORK HORSE GRAZING PROGRAM.
- 35 291-D. MATCHING GRANT PROGRAM.

36 S 291. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
 37 THE "NEW YORK HORSE GRAZING ACT OF 2016".

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

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

- 51 1. "PROGRAM" SHALL MEAN THE NEW YORK HORSE GRAZING PROGRAM.
- 52 2. "HORSE" SHALL HAVE THE SAME DEFINITION AS IN SUBDIVISION FOUR OF
- 53 SECTION NINETY-B OF THIS CHAPTER.

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

3 4. "APPLICANT" SHALL MEAN ANY ASSOCIATION, COOPERATIVE, CORPORATION OR  
4 LIMITED LIABILITY COMPANY THAT PROVIDES TECHNICAL ASSISTANCE TO A FARM  
5 OPERATION OR A COMMERCIAL HORSE BOARDING OPERATION AS SUCH OPERATIONS  
6 ARE DEFINED IN SECTION THREE HUNDRED ONE OF THIS CHAPTER.

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

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

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

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

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

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

40 S 7. Paragraph (i) of subdivision 11 of section 210-B of the tax law,  
41 as added by section 17 of part A of chapter 59 of the laws of 2014, is  
42 amended to read as follows:

43 (i) Special rules. For purposes of this subdivision, the term "federal  
44 gross income from farming" shall include gross income from the  
45 production of maple syrup, cider, Christmas trees derived from a managed  
46 Christmas tree operation whether dug for transplanting or cut from the  
47 stump, or from a commercial horse boarding operation as defined in  
48 subdivision thirteen of section three hundred one of the agriculture and  
49 markets law, ON LAND ON WHICH STATE FUNDS WERE USED FOR COUNTY AGRICUL-  
50 TURAL PROTECTION ACTIVITIES, or from the sale of wine from a licensed  
51 farm winery as provided for in article six of the alcoholic beverage  
52 control law, or from the sale of cider from a licensed farm cidery as  
53 provided for in section fifty-eight-c of the alcoholic beverage control  
54 law.

1 S 8. Paragraph 8 of subsection (n) of section 606 of the tax law, as  
2 amended by chapter 384 of the laws of 2013, is amended to read as  
3 follows:

4 (8) Special rules. For purposes of this subsection, the term "federal  
5 gross income from farming" shall include gross income from the  
6 production of maple syrup, cider, Christmas trees derived from a managed  
7 Christmas tree operation whether dug for transplanting or cut from the  
8 stump, or from a commercial horse boarding operation as defined in  
9 subdivision thirteen of section three hundred one of the agriculture and  
10 markets law, EXCEPT THOSE ESTABLISHED ON LAND ON WHICH STATE FUNDS WERE  
11 USED FOR COUNTY AGRICULTURAL PROTECTION ACTIVITIES, or from the sale of  
12 wine from a licensed farm winery as provided for in article six of the  
13 alcoholic beverage control law, or from the sale of cider from a  
14 licensed farm cidery as provided for in section fifty-eight-c of the  
15 alcoholic beverage control law.

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

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