

S. 369

A. 167

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- Multi-Sponsored by -- M. of A. PALUMBO -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing a real property tax exemption for protected agricultural land use for food production

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

1 Section 1. The real property tax law is amended by adding a new
2 section 481-a to read as follows:
3 S 481-A. TAXATION OF PROTECTED AGRICULTURAL LAND USED FOR FOOD
4 PRODUCTION. 1. AS USED IN THIS SECTION:
5 (A) "PROTECTED AGRICULTURAL LAND" SHALL MEAN LAND ENCUMBERED BY A
6 CONSERVATION EASEMENT PURSUANT TO SECTION TWO HUNDRED FORTY-SEVEN OF THE
7 GENERAL MUNICIPAL LAW OR TITLE THREE OF ARTICLE FORTY-NINE OF THE ENVI-
8 RONMENTAL CONSERVATION LAW, WHERE SUCH EASEMENT PROVIDES (I) AN AFFIRMA-
9 TIVE DUTY TO FARM THE PROTECTED AGRICULTURAL LAND FOR FOOD PRODUCTION;
10 (II) SUCH LAND MAY ONLY BE SOLD TO ANOTHER BONA FIDE FARMER ENGAGED IN
11 FOOD PRODUCTION; (III) SUCH LAND MAY ONLY BE SOLD AT ITS AGRICULTURAL
12 VALUE FOR FOOD PRODUCTION; AND (IV) SUCH LAND IS SUBJECT TO A PLAN
13 PURSUANT TO THE STATE AGRICULTURAL ENVIRONMENTAL MANAGEMENT PROGRAM.
14 (B) "FOOD PRODUCTION" SHALL MEAN THE PRODUCTION OF: (I) FIELD CROPS,
15 INCLUDING BUT NOT LIMITED TO CORN, WHEAT, OATS, RYE, BARLEY, HAY, POTATOES
16 AND DRY BEANS. FRUITS, INCLUDING BUT NOT LIMITED TO APPLES, PEACHES,
17 GRAPES, CHERRIES AND BERRIES; (II) VEGETABLES, INCLUDING BUT NOT
18 LIMITED TO TOMATOES, SNAP BEANS, CABBAGE, CARROTS, BEETS, AND ONIONS;

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

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1 (III) LIVESTOCK AND LIVESTOCK PRODUCTS, INCLUDING BUT NOT LIMITED TO
2 CATTLE, SHEEP, HOGS, GOATS, POULTRY, FARMED DEER, FARMED BUFFALO, MILK
3 AND EGGS; (IV) MAPLE SAP; AND (V) AQUACULTURE PRODUCTS, INCLUDING BUT
4 NOT LIMITED TO FISH, FISH PRODUCTS, WATER PLANTS AND SHELLFISH.

5 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, PROTECTED
6 AGRICULTURAL LAND USED FOR FOOD PRODUCTION, AS DEFINED IN PARAGRAPH (B)
7 OF SUBDIVISION ONE OF THIS SECTION, SHALL BE EXEMPT FROM TAXATION.

8 S 2. This act shall take effect immediately.