

7164

I N S E N A T E

April 4, 2016

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to allowing agriculture districts to be converted to solar use without penalty

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

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

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

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

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

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

18 S 4. This act shall take effect immediately.