

STATE OF NEW YORK

8362--A

IN SENATE

May 3, 2018

Introduced by Sens. RITCHIE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the acquisition of agricultural preservation restrictions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 321 of the agriculture and markets law, as added
2 by chapter 797 of the laws of 1992, is amended to read as follows:

3 § 321. Statement of legislative findings and intent. It is hereby
4 found and declared that agricultural lands are irreplaceable state
5 assets. In an effort to maintain the economic viability, and environ-
6 mental and landscape preservation values associated with agriculture,
7 the state must explore ways to sustain the state's valuable farm economy
8 and to protect farm operations and the land base associated with it.
9 External pressures on farm stability such as population growth in non-
10 metropolitan areas, lack of access to affordable farmland, and public
11 infrastructure development pose a significant threat to farm operations,
12 yet are the pressures over which farmers have the least control. Local
13 initiatives in agricultural protection policy, facilitated by the agri-
14 cultural districts program established in article twenty-five-AA of this
15 chapter, have proved effective as a basic step in addressing these pres-
16 sures. In an effort to encourage further development of agricultural
17 and farmland protection programs, and to recognize both the crucial role
18 that local government plays in developing these strategies, plus the
19 state constitutional directive to the legislature to provide for the
20 protection of agricultural lands, it is therefore declared the policy of
21 the state to promote local initiatives for agricultural and farmland
22 protection.

23 § 2. Subdivision 1 of section 322 of the agriculture and markets law,
24 as added by chapter 797 of the laws of 1992, is amended to read as
25 follows:

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

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1 1. "Agricultural and farmland protection" means the preservation,
2 conservation, management or improvement of lands which are part of
3 viable farming operations, for the purpose of encouraging such lands to
4 remain in agricultural production. Such preservation efforts include the
5 use of farmland protection conservation easements and purchase of devel-
6 opment rights.

7 § 3. Section 322 of the agriculture and markets law is amended by
8 adding two new subdivisions 6 and 7 to read as follows:

9 6. "Farmer-purchaser farmland protection agreement" means preemptive
10 purchase rights or other provisions that are part of or linked to a
11 farmland protection conservation easement providing the easement holder
12 the preferential right to purchase protected farmland at its agricul-
13 tural use value in the event the landowner intends to sell such farmland
14 to a purchaser who does not intend to maintain the land in commercial
15 agricultural production and who does not have the requisite farming
16 experience and farming income to demonstrate, in a manner acceptable to
17 the department, a good faith plan to maintain the land in commercial
18 agricultural production. The purpose of such provisions is to ensure
19 that farmer-purchasers who would maintain protected farmland in commer-
20 cial agricultural production can afford such farmland that might other-
21 wise be sold at a higher price to other purchasers.

22 7. "Agricultural use value" means the fair market value of a property
23 that is restricted by an easement to its productive commercial agricul-
24 tural use value rather than the highest and/or best potential use value
25 for residential or other non-agricultural purposes.

26 § 4. Subdivision 2 of section 325 of the agriculture and markets law
27 is amended by adding a new paragraph (g) to read as follows:

28 (g) In evaluating applications for funding, projects for protecting
29 agricultural land that include farmer-purchaser farmland protection
30 agreements are eligible for state assistance payments.

31 § 5. This act shall take effect on the ninetieth day after it shall
32 have become a law; provided however that effective immediately, the
33 addition, amendment and/or repeal of any rule or regulation necessary
34 for the implementation of this act on its effective date are authorized
35 to be made and completed on or before such effective date.