STATE OF NEW YORK

10301--B

IN ASSEMBLY

April 10, 2018

Introduced by M. of A. BARRETT, COOK, MAGEE, MONTESANO, LUPARDO, THIELE, LAVINE, ARROYO, D'URSO, JAFFEE, SIMON, BLAKE, MOSLEY, GIGLIO, CROUCH, GOTTFRIED, FERNANDEZ, GLICK, BARRON, BLANKENBUSH, DiPIETRO, RIVERA, ERRIGO -- Multi-Sponsored by -- M. of A. LENTOL -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

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

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

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

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

1. "Agricultural and farmland protection" means the preservation, conservation, management or improvement of lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production. **Such preservation efforts include the use of farmland protection conservation easements and purchase of development rights.**

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

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

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

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

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

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