

STATE OF NEW YORK

8464

IN SENATE

June 3, 2020

Introduced by Sen. METZGER -- 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 land used in agricultural production; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The opening paragraph and paragraphs f, h, k and l of
2 subdivision 4 of section 301 of the agriculture and markets law, the
3 opening paragraph as amended by chapter 344 of the laws of 2012, para-
4 graph f as amended by chapter 445 of the laws of 2002, paragraph h as
5 amended by chapter 587 of the laws of 2005, paragraph k as added by
6 chapter 341 of the laws of 2008 and paragraph l as added by chapter 384
7 of the laws of 2011, are amended to read as follows:

8 "Land used in agricultural production" means not less than seven acres
9 of land used as a single operation in the preceding two years for the
10 production for sale of crops, livestock or livestock products of an
11 average gross sales value of [~~ten~~] five thousand dollars or more; or,
12 not less than seven acres of land used in the preceding two years to
13 support a commercial horse boarding operation or a commercial equine
14 operation with annual gross receipts of [~~ten~~] five thousand dollars or
15 more. Land used in agricultural production shall not include land or
16 portions thereof used for processing or retail merchandising of such
17 crops, livestock or livestock products. Land used in agricultural
18 production shall also include:

19 f. Land of not less than seven acres used as a single operation in the
20 preceding two years for the production for sale of crops, livestock or
21 livestock products of an average gross sales value of [~~ten~~] five thou-
22 sand dollars or more, or land of less than seven acres used as a single
23 operation in the preceding two years for the production for sale of
24 crops, livestock or livestock products of an average gross sales value
25 of [~~fifty~~] twenty-five thousand dollars or more.

26 h. Land that is owned or rented by a farm operation in its first or
27 second year of agricultural production, or, in the case of a commercial

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

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1 horse boarding operation in its first or second year of operation, that
2 consists of (1) not less than seven acres used as a single operation for
3 the production for sale of crops, livestock or livestock products of an
4 annual gross sales value of [~~ten~~ five] thousand dollars or more; or (2)
5 less than seven acres used as a single operation for the production for
6 sale of crops, livestock or livestock products of an annual gross sales
7 value of [~~fifty~~ twenty-five] thousand dollars or more; or (3) land situ-
8 ated under a structure within which crops, livestock or livestock
9 products are produced, provided that such crops, livestock or livestock
10 products have an annual gross sales value of (i) [~~ten~~ five] thousand
11 dollars or more, if the farm operation uses seven or more acres in agri-
12 cultural production, or (ii) [~~fifty~~ twenty-five] thousand dollars or
13 more, if the farm operation uses less than seven acres in agricultural
14 production; or (4) not less than seven acres used as a single operation
15 to support a commercial horse boarding operation with annual gross
16 receipts of [~~ten~~ five] thousand dollars or more.

17 k. Land used to support an apiary products operation which is owned by
18 the operation and consists of (i) not less than seven acres nor more
19 than ten acres used as a single operation in the preceding two years for
20 the production for sale of crops, livestock or livestock products of an
21 average gross sales value of [~~ten~~ five] thousand dollars or more or (ii)
22 less than seven acres used as a single operation in the preceding two
23 years for the production for sale of crops, livestock or livestock
24 products of an average gross sales value of [~~fifty~~ twenty-five] thousand
25 dollars or more. The land used to support an apiary products operation
26 shall include, but not be limited to, the land under a structure within
27 which apiary products are produced, harvested and stored for sale; and a
28 buffer area maintained by the operation between the operation and adja-
29 cent landowners. Notwithstanding any other provision of this subdivi-
30 sion, rented land associated with an apiary products operation is not
31 eligible for an agricultural assessment based on this paragraph.

32 l. Land that is owned or rented by a farm operation in its first or
33 second year of agricultural production or in the case of a commercial
34 equine operation, in its first or second year of operation, that
35 consists of not less than seven acres and stabling at least ten horses,
36 regardless of ownership, that receives [~~ten~~ five] thousand dollars or
37 more in gross receipts annually from fees generated through the
38 provision of commercial equine activities including, but not limited to
39 riding lessons, trail riding activities or training of horses or through
40 the production for sale of crops, livestock, and livestock products, or
41 through both the provision of such commercial equine activities and such
42 production. Under no circumstances shall this subdivision be construed
43 to include operations whose primary on site function is horse racing.

44 § 2. This act shall take effect immediately and shall expire and be
45 deemed repealed two years after such date.