STATE OF NEW YORK

3770

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to solar exploration, development and extraction activities in agricultural districts

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

Section 1. Subdivision 5 of section 301 of the agriculture and markets law, as amended by chapter 565 of the laws of 2003, is amended to read as follows:

5. "Oil, gas**, solar** or wind exploration, development or extraction activities" means the installation and use of fixtures and equipment which are necessary for the exploration, development or extraction of oil, natural gas**, solar** or wind energy, including access roads, drilling apparatus, pumping facilities, pipelines, and wind turbines.

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

(iv) If such land or any portion thereof is converted to a use other than for agricultural production by virtue of oil, gas**, solar** or wind exploration, development, or extraction activity or by virtue of a taking by eminent domain or other involuntary proceeding other than a tax sale, the land or portion so converted shall not be subject to payments. If the land so converted constitutes only a portion of a parcel described on the assessment roll, the assessor shall apportion the assessment, and adjust the agricultural assessment attributable to the portion of the parcel not subject to such conversion by subtracting the proportionate part of the agricultural assessment attributable to the portion so converted. Provided further that land within an agricultural district and eligible for an agricultural assessment shall not be considered to have been converted to a use other than for agricultural

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

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production solely due to the conveyance of oil, gas**, solar** or wind rights associated with that land.

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

c. If such land or any portion thereof is converted by virtue of oil, gas**, solar** or wind exploration, development, or extraction activity or by virtue of a taking by eminent domain or other involuntary proceeding other than a tax sale, the land or portion so converted shall not be subject to payments. If land so converted constitutes only a portion of a parcel described on the assessment roll, the assessor shall apportion the assessment, and adjust the agricultural assessment attributable to the portion of the parcel not subject to such conversion by subtracting the proportionate part of the agricultural assessment attributable to the portion so converted. Provided further that land outside an agricultural district and eligible for an agricultural assessment pursuant to this section shall not be considered to have been converted to a use other than for agricultural production solely due to the conveyance of oil, gas**, solar** or wind rights associated with that land.

§ 4. This act shall take effect immediately.