STATE OF NEW YORK

4100

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sens. PARKER, HARCKHAM -- 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 payments associated with the conversion of land subject to an agricultural assessment by virtue of oil or gas exploration or extraction activity or solar development

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 **but not limited to,** access roads, [~~drilling apparatus, pumping facilities, pipelines,~~] **solar panels** 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 agricul-

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

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tural district and eligible for an agricultural assessment 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.

§ 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. The commissioner of agriculture and markets, in consultation with the commissioner of environmental conservation and the New York state energy research and development authority, shall within one hundred eighty days of the effective date of this section, make regulations regarding the conversion of lands subject to an agricultural assessment by virtue of solar development, which protect and preserve prime and unique farmland and farmland of statewide importance as such terms are defined in 7 C.F.R. § 657.5, encourage the development of solar activities on marginal soils, and minimize the loss of forested land.

§ 5. This act shall take effect on the sixtieth day after it shall have become a law. 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.