

# STATE OF NEW YORK

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2264

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

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

AN ACT to amend the agriculture and markets law, in relation to the determination of land used in agricultural production for purposes of agricultural districts

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

1 Section 1. Paragraphs f, h and k of subdivision 4 of section 301 of  
2 the agriculture and markets law, paragraph f as amended by chapter 445  
3 of the laws of 2002, paragraph h as amended by chapter 587 of the laws  
4 of 2005 and paragraph k as added by chapter 341 of the laws of 2008, are  
5 amended to read as follows:

6 f. Land of not less than seven acres used as a single operation in the  
7 preceding two years for the production for sale of crops, livestock or  
8 livestock products of an average gross sales value of ten thousand  
9 dollars or more, or land of less than seven acres used as a single oper-  
10 ation in the preceding two years for the production for sale of crops,  
11 livestock or livestock products of an average gross sales value of  
12 [~~fifty~~ twenty thousand dollars or more.

13 h. Land that is owned or rented by a farm operation in its first or  
14 second year of agricultural production, or, in the case of a commercial  
15 horse boarding operation in its first or second year of operation, that  
16 consists of (1) not less than seven acres used as a single operation for  
17 the production for sale of crops, livestock or livestock products of an  
18 annual gross sales value of ten thousand dollars or more; or (2) less  
19 than seven acres used as a single operation for the production for sale  
20 of crops, livestock or livestock products of an annual gross sales value  
21 of [~~fifty~~ twenty thousand dollars or more; or (3) land situated under a  
22 structure within which crops, livestock or livestock products are  
23 produced, provided that such crops, livestock or livestock products have  
24 an annual gross sales value of (i) ten thousand dollars or more, if the

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

LBD00567-01-1

1 farm operation uses seven or more acres in agricultural production, or  
2 (ii) fifty thousand dollars or more, if the farm operation uses less  
3 than seven acres in agricultural production; or (4) not less than seven  
4 acres used as a single operation to support a commercial horse boarding  
5 operation with annual gross receipts of ten thousand dollars or more.

6 k. Land used to support an apiary products operation which is owned by  
7 the operation and consists of (i) not less than seven acres nor more  
8 than ten acres used as a single operation in the preceding two years for  
9 the production for sale of crops, livestock or livestock products of an  
10 average gross sales value of ten thousand dollars or more or (ii) less  
11 than seven acres used as a single operation in the preceding two years  
12 for the production for sale of crops, livestock or livestock products of  
13 an average gross sales value of [~~fifty~~ twenty thousand dollars or more.  
14 The land used to support an apiary products operation shall include, but  
15 not be limited to, the land under a structure within which apiary  
16 products are produced, harvested and stored for sale; and a buffer area  
17 maintained by the operation between the operation and adjacent landown-  
18 ers. Notwithstanding any other provision of this subdivision, rented  
19 land associated with an apiary products operation is not eligible for an  
20 agricultural assessment based on this paragraph.

21 § 2. This act shall take effect immediately and shall apply to real  
22 property assessments for taxes imposed on or after such date.