

3626

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

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Introduced by Sen. SALAND -- 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 authorizing requests to the commissioner of agriculture and markets to render an opinion to government officials on local land use regulations, ordinances or local laws pertaining to agricultural practices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph b of subdivision 1 of section 305-a of the agri-  
2     culture and markets law is relettered paragraph c and a new paragraph b  
3     is added to read as follows:

4     B. UPON THE REQUEST OF ANY MUNICIPALITY, FARM OWNER OR OPERATOR, THE  
5     COMMISSIONER SHALL RENDER AN OPINION TO THE APPROPRIATE LOCAL GOVERNMENT  
6     OFFICIALS, AS TO WHETHER FARM OPERATIONS WOULD BE UNREASONABLY  
7     RESTRICTED OR REGULATED BY PROPOSED CHANGES IN LOCAL LAND USE REGU-  
8     LATIONS, ORDINANCES OR LOCAL LAWS PERTAINING TO AGRICULTURAL PRACTICES  
9     AND TO THE APPROPRIATE LOCAL LAND USE ENFORCEMENT OFFICIALS ADMINISTER-  
10    ING LOCAL LAND USE REGULATIONS, ORDINANCES, OR LOCAL LAWS OR REVIEWING A  
11    PERMIT PERTAINING TO AGRICULTURAL PRACTICES.

12    S 2. Paragraph b of subdivision 1 of section 308 of the agriculture  
13    and markets law, as amended by chapter 120 of the laws of 2010, is  
14    amended to read as follows:

15    b. Sound agricultural practices refer to those practices necessary for  
16    the on-farm production, preparation and marketing of agricultural  
17    commodities. Examples of activities which entail practices the commis-  
18    sioner may consider include, but are not limited to, operation of farm  
19    equipment; proper use of agricultural chemicals and other crop  
20    protection methods; direct sale to consumers of agricultural commodities  
21    or foods containing agricultural commodities produced on-farm; agricul-  
22    tural tourism; "timber operation," as defined in subdivision fourteen of  
23    section three hundred one of this article and construction and use of

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

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1 farm structures. The commissioner shall consult appropriate state agen-  
2 cies and any guidelines recommended by the advisory council on agricul-  
3 ture. The commissioner may consult as appropriate, the New York state  
4 college of agriculture and life sciences and the U.S.D.A. natural  
5 resources conservation service, AND PROVIDE SUCH INFORMATION, AFTER THE  
6 ISSUANCE OF A FORMAL OPINION, TO THE MUNICIPALITY IN WHICH THE AGRICUL-  
7 TURAL PRACTICE BEING EVALUATED IS LOCATED. The commissioner shall also  
8 consider whether the agricultural practices are conducted by a farm  
9 owner or operator as part of his or her participation in the AEM program  
10 as set forth in article eleven-A of this chapter. Such practices shall  
11 be evaluated on a case-by-case basis.

12 S 3. This act shall take effect immediately.