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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, MAGEE, SCHROEDER, MOLINARO, BACALLES,
BOYLAND -- Multi-Sponsored by -- M. of A. GIGLIO, P. LOPEZ, McENENY,
RABBITT, TOWNS -- read once and referred 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 511 of the laws of 2008, 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

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

1 or foods containing agricultural commodities produced on-farm; agricul-
2 tural tourism; production, management and harvesting of "farm woodland",
3 as defined in subdivision three of section three hundred one of this
4 article and construction and use of farm structures. The commissioner
5 shall consult appropriate state agencies and any guidelines recommended
6 by the advisory council on agriculture. The commissioner may consult as
7 appropriate, the New York state college of agriculture and life sciences
8 and the U.S.D.A. natural resources conservation service, AND PROVIDE
9 SUCH INFORMATION, AFTER THE ISSUANCE OF A FORMAL OPINION, TO THE MUNICI-
10 PALITY IN WHICH THE AGRICULTURAL PRACTICE BEING EVALUATED IS LOCATED.
11 The commissioner shall also consider whether the agricultural practices
12 are conducted by a farm owner or operator as part of his or her partic-
13 ipation in the AEM program as set forth in article eleven-A of this
14 chapter. Such practices shall be evaluated on a case-by-case basis.
15 S 3. This act shall take effect immediately.