

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL, MAGEE, SCHROEDER, MOLINARO, 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 author-
izing requests to the commissioner of agriculture and markets to
render an opinion to government officials on local land use regu-
lations, ordinances or local laws pertaining to agricultural practices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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-

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

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

14 S 3. This act shall take effect immediately.