

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.

LBD00775-01-1

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.