5929--A

2013-2014 Regular Sessions

I N   S E N A T E

September 4, 2013
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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when
  printed to be committed to the Committee on Rules -- recommitted to
  the Committee on Investigations and Government Operations in accord-
  ance with Senate Rule 6, sec. 8 -- committee discharged, bill amended,
  ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to limiting
  disclosure of certain information

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

 1   Section 1. The agriculture and markets law is amended by adding a new
 2 section 23-a to read as follows:
 3   S 23-A. LIMITATION ON DISCLOSURES ASSOCIATED WITH FREEDOM OF INFORMA-
 4 TION LAW. 1. NOTWITHSTANDING ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE
 5 COMMISSIONER, ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR ANY CONTRAC-
 6 TOR OR COOPERATOR OF THE DEPARTMENT, SHALL NOT DISCLOSE PURSUANT TO A
 7 REQUEST MADE PURSUANT TO SUCH ARTICLE:
 8   (A) INFORMATION VOLUNTARILY PROVIDED BY AN OWNER OR OPERATOR OF A FARM
 9 OPERATION IN ORDER TO PARTICIPATE IN THE NEW YORK STATE CATTLE HEALTH
10 ASSURANCE PROGRAM OR ANY SUCCESSOR CATTLE HEALTH PROGRAM ESTABLISHED BY
11 THE DEPARTMENT PURSUANT TO SUBDIVISION FORTY-ONE OF SECTION SIXTEEN OF
12 THIS ARTICLE (COLLECTIVELY, "NYSCHAP"); OR
13   (B) INFORMATION OTHERWISE CREATED AND MAINTAINED BY THE COMMISSIONER
14 ABOUT FARM OPERATIONS FOR WHICH INFORMATION DESCRIBED IN PARAGRAPH (A)
15 OF THIS SUBDIVISION IS VOLUNTARILY PROVIDED.
16   2. THE DISCLOSURE OF INFORMATION UNDER SUBDIVISION ONE OF THIS SECTION
17 SHALL NOT CONSTITUTE A WAIVER OF ANY APPLICABLE PRIVILEGE OR PROTECTION
18 UNDER FEDERAL OR STATE LAW, INCLUDING TRADE SECRET PROTECTION.
19   3. THE MEANING OF THE TERM "FARM OPERATION" AS USED IN THIS SECTION
20 SHALL BE THE SAME AS IT IS DEFINED IN SUBDIVISION ELEVEN OF SECTION
21 THREE HUNDRED ONE OF THIS CHAPTER.
22   S 2. This act shall take effect immediately.