STATE OF NEW YORK

2135

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sen. HINCHEY -- 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 agricultural custom operators

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 11 of section 301 of the agriculture and markets law, as amended by chapter 35 of the laws of 2016, is amended and a new subdivision 19 is added to read as follows:

11. "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of this section [~~and~~], "commercial equine operation" as defined in subdivision eighteen of this section **and an "agricultural custom operator" as defined in subdivision nineteen of this section**. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

19. "Agricultural custom operator" means an operator whose facilities are located in an agricultural district or whose services are hired by a farm operation that is located within an agricultural district to undertake an activity on the farm operation that is an essential activity of the farm operation. An agricultural custom operator's functions shall include, but not be limited to, the following: planting or harvesting crops, spreading manure, and applying pesticides or fertilizers.

§ 2. Paragraph b of subdivision 1 of section 305-a of the agriculture and markets law, as added by chapter 497 of the laws of 2011, is amended to read as follows:

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

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b. Upon the request of any municipality, farm owner or operator, **or agricultural custom operator,** the commissioner shall render an opinion to the appropriate local government officials, as to whether farm operations would be unreasonably restricted or regulated by proposed changes in local land use regulations, ordinances or local laws pertaining to agricultural practices and to the appropriate local land use enforcement officials administering local land use regulations, ordinances, or local laws or reviewing a permit pertaining to agricultural practices.

§ 3. This act shall take effect immediately.