

# 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:

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

4 11. "Farm operation" means the land and on-farm buildings, equipment,  
5 manure processing and handling facilities, and practices which contrib-  
6 ute to the production, preparation and marketing of crops, livestock and  
7 livestock products as a commercial enterprise, including a "commercial  
8 horse boarding operation" as defined in subdivision thirteen of this  
9 section, a "timber operation" as defined in subdivision fourteen of this  
10 section, "compost, mulch or other biomass crops" as defined in subdivi-  
11 sion seventeen of this section [~~and~~], "commercial equine operation" as  
12 defined in subdivision eighteen of this section and an "agricultural  
13 custom operator" as defined in subdivision nineteen of this section.  
14 Such farm operation may consist of one or more parcels of owned or rent-  
15 ed land, which parcels may be contiguous or noncontiguous to each other.

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

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

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

LBD02878-01-1

1     b. Upon the request of any municipality, farm owner or operator, or  
2     agricultural custom operator, the commissioner shall render an opinion  
3     to the appropriate local government officials, as to whether farm oper-  
4     ations would be unreasonably restricted or regulated by proposed changes  
5     in local land use regulations, ordinances or local laws pertaining to  
6     agricultural practices and to the appropriate local land use enforcement  
7     officials administering local land use regulations, ordinances, or local  
8     laws or reviewing a permit pertaining to agricultural practices.  
9     § 3. This act shall take effect immediately.