

# New York State Assembly | Sheldon Silver, Speaker



committee on

## **Agriculture**

William Magee, Chairperson

December 15, 2009

The Honorable Sheldon Silver  
Speaker of the Assembly  
Room 349, State Capitol  
Albany, New York 12248

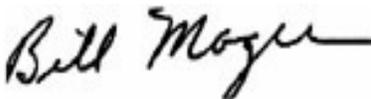
Dear Speaker Silver,

As Chairperson of the Assembly Standing Committee on Agriculture, I respectfully submit to you the 2009 Annual Report. I have outlined the Committee's significant legislation and our outlook for the 2010 Session.

This year, the Committee was successful in promoting legislation that was integral to helping New York's farms remain solvent by reducing regulatory burdens for agriculture, increasing protection of the state's dairy farmers by enhancing provisions of the Milk Producers Security Fund, creating new promotional opportunities for New York-agribusiness, streamlining regulations, and providing funding for critical farm programs and research. The Committee also made strides toward enhancing the humane treatment of domestic and companion animals.

Many challenges face the agriculture industry during these difficult economic times. On behalf of New York's agricultural community, I thank you for your support and leadership in addressing these important issues.

Sincerely,

A handwritten signature in black ink that reads "Bill Magee". The signature is written in a cursive, flowing style.

William Magee  
Chairperson,  
Committee on Agriculture

**2009 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGRICULTURE**

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## **I. COMMITTEE JURISDICTION**

The Assembly Standing Committee on Agriculture is responsible for legislation that relates to the Agriculture and Markets Law, oversight of the Department of Agriculture and Markets, and the Agriculture and Markets budget. The Agriculture Committee works closely with institutions of higher education to promote agriculture research and development and monitor conflicts related to agricultural issues.

As part of its legislative and oversight functions, the Agriculture Committee investigates issues related to food inspections and safety, farmland protection, farm product sales and marketing, agribusiness licensing and regulation, the humane treatment of domesticated animals, kosher laws, and animal diseases.

The Agriculture Committee supports repealing unnecessary or unenforced laws and programs in order to improve public policy. The Agriculture Committee also provides sponsorship, counsel, and support for agriculturally beneficial program legislation referred to the Committees on Insurance, Energy, Labor, Economic Development, and Environmental Conservation.

## **II. 2009 COMMITTEE ACCOMPLISHMENTS**

### **A. Agribusiness Development**

New York State offers many advantages for food producers and processors. The Chairman for the Agriculture Committee places great importance on strengthening the state's leadership role in agriculture where food producers and processors seek to diversify operations in order to better compete in rapidly changing marketplaces with advancing technologies and with stricter environmental requirements.

#### **1. Improving the Operation of the Fairgrounds (Chapter 87 of the Laws of 2009/ A. 7263, Magee)**

This law improves the operation of the Fairgrounds by eliminating the Industrial Exhibit Authority (IEA) and reconstituting the State Fair Advisory Board.

#### **2. Simplifying the Correspondence of Grape Processors (Chapter 43 of the Laws of 2009/ A. 7265, Magee)**

This law authorizes grape processors to use facsimile or other electronic means, in addition to the mail, to notify selling and delivering parties with whom they contract of stated grape prices and the opportunity to refuse to deliver grapes, provided that the parties have the ability to accept and have agreed to accept notification by such electronic means.

#### **3. Establishing a Wood Products Development Council (Chapter 325 of the Laws of 2009/ A. 7742-A, Magee)**

This law creates a Wood Products Development Council that will work to increase economic contributions and employment opportunity in the wood products industry and therefore increase business opportunities within the State.

#### **4. Promoting Urban Farmer's Markets Facilities (A. 2301-A, McEneny)**

This bill would make provisions on the planning and development of regionally based urban and regional farmers' market facilities.

**This bill was vetoed under Memo 6 which stated that because the bill does not provide funding for the projects, it would have an adverse fiscal impact on the State.**

**5. Regulating Local Land Use  
(A. 601, Cahill)**

This bill would authorize the Commissioner of Agriculture and Markets to render an opinion to local government officials as to whether farm operations would be unreasonably restricted or regulated by proposed changes in local land use regulations, ordinances, or laws pertaining to agricultural practices.

**This bill passed the Assembly and was referred to the Senate Agriculture Committee.**

**6. Real Property Tax Exemption for Orchards and Vineyards  
(A. 915-A, DelMonte)**

This bill would streamline the process used in acquiring tax exemptions for certain orchards and vineyards by requiring such tax exemptions be based on the average per acre of tillable land.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

**7. Monitoring Farm Pond Dams  
(A.976, Gunther)**

This bill would transfer the responsibility of monitoring farm pond dams from the Department of Environmental Conservation to the State Soil and Water Conservation Committee in order to efficiently help farmers maintain farm pond dams.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

## **B. Farmland Protection**

New York State has approximately 36,000 farms and 7.6 million acres of farmland which produces corn, dairy products, fruits, and vegetables. Due to the increasing conversion rate of farmland to residential areas, the New York State government has worked to maintain and preserve farmland. The Assembly Agriculture Committee creates programs that would ensure that essential farm operations are recognized within the state's regulatory framework in order to ease financial burdens on farmers.

### **1. Purchasing Farm Products (Chapter 42 of the Laws of 2009/ A. 7264, Magee)**

This law assists small volume dealers by increasing the value of farm products that a dealer may purchase and still be considered for an exemption from certain bond and letter of credit requirements from \$50,000 to \$100,000.

### **2. Increasing State Assistance Payments to Farmers (A. 6686, Magee)**

This bill would increase the maximum amount of state assistance payments given to agricultural landowners by a percentage equal to the percentage of the total eligible costs for projects that the owner of the agricultural land contributes to, provided that such percentage may not exceed 87 ½ % of the eligible costs for the project.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

### **3. Protecting New York's Farmland (A. 6687, Magee)**

This bill would help protect New York's farmland by allowing not-for-profit conservation organizations to apply for Agricultural Protection Assistance Payments to implement approved, funded Agricultural Farmland Protection Plans.

**This bill passed the Assembly and was committed to the Senate Finance Committee.**

## **C. Dairy Issues**

Dairy products represent the majority of the agricultural industry and, therefore, are vitally important to the New York State economy. New York remains a top producer of dairy products in the Northeast and ranks third nationally for milk and cheese production. Despite the strength of the New York State dairy market, farmers have seen lower returns due to higher fuel and feed costs. The Agriculture Chairman supports agricultural initiatives which result in product diversification, entrance into new product markets, and establishing efficient payment schedules for farmers.

### **1. Protecting New York's Dairy Farmers (Chapter 85 of the Laws of 2009/ A. 7266, Magee)**

This law provides better protection for New York's dairy farmers from payment default by increasing, from \$7 million to \$12 million, the cap on the Milk Producers Security Fund; increasing, from 7.5% to 15%, the cap on the value of milk purchases covered by the Fund; and increasing the payment threshold. Also, it provides that rates of payment shall be reduced when the balance in the Fund exceeds 15%, instead of 7.5%, of the value of milk purchases covered by the Fund.

### **2. Decreasing Sign Dimensions for Wine Ice Cream (Chapter 341 of the Laws of 2009/ A. 8593, Magee)**

This law reduces the dimension of an advisory sign to be displayed regarding the sale of wine ice cream from 8.5 inches x11 inches to 5 inches x7 inches.

### **3. Expanding the USDA's MILC Program (Resolution K. 144, Magee)**

This resolution seeks to assist dairy farmers and memorializes the United States Department of Agriculture to provide much needed financial redress for the losses incurred due to price resulting error in milk prices.

## **D. Food Safety**

The Assembly Agriculture Committee is concerned with the staffing levels at the Agriculture Department's Division of Food Safety and Inspection and has passed legislation to enhance the effectiveness of New York's food safety programs. The Division of Food Safety and Inspection is seriously understaffed and cannot adequately protect consumers from threats to public health such as food-borne diseases, sickness from adulteration, improper food storage, and other unsanitary conditions.

### **1. Labeling of Olive Oil**

**(Chapter 315 of the Laws of 2009/ A. 6604-A, Clark)**

This law will help to ensure the purity and accurate labeling of olive oil by requiring the Commissioner of Agriculture and Markets to develop standards for the labeling and production of olive oil, olive-pomace oil, refined olive oil, and virgin olive oil which conforms to national or other recognized standards.

### **2. Task Force on the Slaughter of Non-ambulatory Animals**

**(A. 8639, Markey)**

This bill would clarify the scope of the taskforce's responsibility, clarify and extend the provisions until January 15, 2011, and ensure that the taskforce members are appointed by the Governor and recommended by Leadership.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

## **E. Animal Safety and Control**

New York State residents care deeply for the health and safety of their pets. Information gathered during statewide hearings in prior years continued to inform the Assembly Agriculture Committee's pet agenda. The Chairman prioritized legislation to strengthen animal welfare, to assist inspectors in implementing existing law, and to encourage responsible pet ownership.

### **1. Amending Animal Euthanasia Laws (Chapter 479 of the Laws of 2009/ A. 999-B, Paulin)**

This law provides for the humane destruction or disposition of certain animals. This bill requires that euthanasia of animals be accomplished by an injection of sodium pentobarbital administered by a technician while the animal is heavily sedated or certain emergency cases, a gunshot may be permissible. This law also requires chambers used to induce hypoxia by means of lethal gas to be dismantled, rendered inoperable and beyond repair, and removed from the premises.

### **2. Transferring Dogs or Cats for Adoption (A. 600-A, Cahill)**

This bill would allow any dog or cat to be released to another pound or shelter, society for the prevention of cruelty to animals or duly incorporated humane society for the sole purpose of placing such dog or cat in an adoptive home, when such action is reasonably believed to improve the opportunity for adoption.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

### **3. Funding Animal Rehabilitation Programs (A. 3168, Bradley)**

This bill would fund rehabilitation programs for abused, domesticated animals by requiring that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals.

**This bill passed Assembly and was referred to the Senate Rules Committee.**

### **4. Creating a Funding Stream for Animal Boarding Facilities (A. 3765, Englebright)**

This bill would allow the District Attorney to seek a court order requiring animal abusers to reimburse impounding organizations for the animal care costs of an abused animal.

**This bill passed the Assembly and was committed to the Senate Rules Committee.**

**5. Increasing the Animal Control Population Fund  
(A. 4018, Magee)**

This bill would increase revenue by authorizing the Commissioner of Agriculture and Markets to accept donations made to the Animal Population Control Fund from corporations and individual taxpayers.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

**6. Animal Population Control in New York City  
(A. 6158-A, Rosenthal)**

This bill would establish an Animal Population Control Fund and an Animal Population Control Program in order to reduce the population of unwanted stray dogs and cats in New York City through the promotion of the neutering and spaying of animals.

**This bill passed the Assembly and was delivered to the Senate.**

**7. Appropriate Outdoor Shelter for Dogs  
(A. 7545-B, Millman)**

This bill would clarify what constitutes appropriate shelter for dogs restrained outdoors.

**This bill passed the Assembly and was committed to the Senate Rules Committee.**

**8. Training for Dog Control Officers  
(A. 7978-B, Hoyt)**

This bill would provide training, examination, and certification of dog control officers, police officers, and peace officers to deal with abused and/or neglected animal.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

**9. Regulating Pet Dealers  
(A. 8162-B, Rosenthal)**

This bill would allow municipalities with a population of one million or more to regulate pet dealers as long as the regulation is not less stringent than State law.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

**10. Simplifying Animal Licensing Fees**  
**(A. 8304, Magee)**

This bill would streamline the remittance and disbursement of dog licensing fees by centralizing the submission of dog license fees from licensing agents to the Commissioner of Agriculture and Markets who will in turn pay the county.

**This bill passed the Assembly and was referred to the Senate Rules Committee.**

### **III. 2010 OUTLOOK**

In the 2009 legislative session, the Agriculture Committee made great strides to protect and enhance the New York State agricultural industries. The Agriculture Committee will focus its efforts to continue to expand marketing opportunities for New York farmers and to ensure the vitality of New York agriculture in the 21st century. Legislative issues in 2010 will include promoting statewide distribution and marketing for New York growers and processors; keeping viable agricultural lands in production; enhancing animal cruelty laws; strengthening dog licensing and pet dealer laws; ensuring the viability and profitability of New York's dairy farms; considering proposals to improve promotions for New York-grown products; assisting not-for-profit organizations in preserving farmland; and increasing food safety.

The Committee will examine these and other issues and will discuss possible legislative solutions with the public and with representatives of the agricultural community.

**APPENDIX A**  
**SUMMARY OF ACTIONS ON ALL BILLS**  
**REFERRED TO THE COMMITTEE ON AGRICULTURE**  
**DURING THE 2009 LEGISLATIVE SESSIONS**

Final Action	Assembly Bills	Senate Bills	Total Bills
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee (Favorable)	4	0	4
To Ways and Means Committee	12	0	12
To Codes Committee	14	0	14
To Rules Committee	2	0	2
To Judiciary	0	0	0
<b>Total</b>	32	0	32
<b><u>Bills Having Committee Reference Changed</u></b>			
<b>Total</b>	0	0	0
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		2	2
Recalled		0	0
<b>Total</b>		2	2
<b><u>Bills Defeated in Committee</u></b>			
	0	0	0
<b><u>Bills Held in Committee With a Roll-Call Vote</u></b>			
	0	0	0
<b><u>Bills Never Reported, Held in Committee</u></b>			
	115	2	117
<b><u>Bills Having Enacting Clauses Stricken</u></b>			
	0	0	0
<b><u>Motions to Discharge Lost</u></b>			
	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	147	4	151

Total Number of Committee Meetings Held: 5

**APPENDIX B**  
**NEW YORK STATE ASSEMBLY**  
**AGRICULTURE COMMITTEE CHAPTERS**

<b>Assembly Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A. 999-B	Paulin	Legalizes animal euthanasia to ensure animals are killed humanely. <b>Chapter 479 of the Laws of 2009</b>
A.6604-A	Abbate	Provides that the Commissioner of Agriculture and Markets shall develop standards for the labeling of olive oil, olive-pomace oil, refined olive oil and virgin olive oil which conforms to national or other recognized standards. <b>Chapter 315 of the Laws of 2009</b>
A.7263	Magee	Improves the operation of the Fairgrounds by eliminating the Industrial Exhibit Authority (IEA) and reconstituting the State Fair Advisory Board. <b>Chapter 87 of the Laws of 2009</b>
A.7264	Magee	Assists small volume dealers by increasing the value of farm products that a dealer may purchase and still be considered for an exemption from certain bond and letter of credit requirements. <b>Chapter 42 of the Laws of 2009</b>
A.7265	Magee	Allows grape processors and their suppliers to provide certain notices to their suppliers by facsimile or other electronic means. <b>Chapter 43 of the Laws of 2009</b>
A.7266	Magee	Provides better protection for New York's dairy farmers from payment default by enhancing provisions relating to the Milk Producers Security Fund. <b>Chapter 85 of the Laws of 2009</b>
A.7742-A	Destito	Establishes a wood products development council, which would increase business opportunities in the State. <b>Chapter 325 of the Laws of 2009</b>
A.8593	Magee	Reduces the dimensions of an advisory sign regarding the sale of wine ice cream. <b>Chapter 341 of the Laws of 2009</b>

**APPENDIX C**  
**NEW YORK STATE ASSEMBLY**  
**AGRICULTURE COMMITTEE**  
**BILLS PASSED BY THE ASSEMBLY**

<b>Assembly Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.600-A	Cahill	Would allow the release of any dog or cat to another pound, shelter, society for the prevention of cruelty to animals or duly incorporated humane society in certain cases.
A.601	Cahill	Would authorize the commissioner of Agriculture and Markets to render an opinion to government officials on land use regulations pertaining to agricultural practices.
A.915-A	DelMonte	Would streamline the process used in acquiring tax exemptions for certain orchards and wine yards.
A.976	Gunther	Would transfer the responsibility of monitoring farm pond dams from the Department of Environmental Conservation to the State Soil and Water Conservation Committee.
A.2301-A	McEneny	Would make provisions on planning and development of regionally based urban and regional farmers' markets facilities.
A.3168	Bradley	Would require individuals convicted of certain animal cruelty and animal fighting offenses to reimburse the organizations caring for such animals.
A.3765	Englebright	Would allow the district attorney to seek a court order requiring animal abusers to reimburse impounding organizations for the animal care costs of an abused animal.
A.4018	Magee	Would authorize the Commissioner of Agriculture and Markets to accept individual and corporate income tax return donations for the Animal Population Control Fund.
A.6158-A	Rosenthal	Would establish an Animal Population Control Fund and an Animal Population Control Program in order to reduce the population of unwanted stray dogs and cats in New York City through the promotion of the neutering and spaying of animals.
A.6686	Magee	Would assist farmers by increasing the amount of aid that can be given to the farmer in the agricultural protection state assistance payments.
A.6687	Magee	Would help protect New York's farmlands by allowing not-for-profit organizations to apply for Agricultural Protection Assistance Payments to implement approved, funded Agricultural Farmland Protection Plans.
A.7545-B	Millman	Would specify what constitutes appropriate outdoor shelter for dogs restrained outdoors.
A.7978-B	Hoyt	Would provide for the training, examination, and certification of dog control officers, police officers, and peace officers to deal with abused and/or neglected animals.
A.8162-B	Rosenthal	Would allow municipalities with a population of one million or more to regulate pet dealers.

<b>Assembly Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.8304	Magee	Would simplify the procedures for collecting dog licensing fees.
A.8639	Markey	Would make technical changes to the regulations set forth for the task force on the slaughter of non-ambulatory animals.
K.144	Magee	Memorialized the United States Congress to take decisive action to include milk subsidy money for the USDA's MILC program in the 2008 Farm Bill