



New York State Assembly
2011 ANNUAL REPORT

committee on
AGRICULTURE

William Magee
Chairperson



Sheldon Silver
Speaker



WILLIAM MAGEE
Assemblyman 111TH District

CHAIRMAN
Agriculture Committee

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Joint Legislative Commission on
Dairy Industry Development

CHAIRMAN
Subcommittee on Volunteer Firefighters

COMMITTEES
Aging
Banks
Higher Education
Local Governments

December 15, 2011

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 2011 Annual Report. I have also outlined the Committee's significant legislation as well as the Committee's priorities for the upcoming 2012 Session.

The Agricultural industry is of the utmost importance to New York State. Agricultural production returned almost \$4.7 billion to the farm economy in 2010. About 23 percent of the state's land area or 7.00 million acres are used by the 36,300 farms to produce a very diverse array of food products such as dairy, fruits, vegetables, and maple syrup.

Throughout the 2011 Legislative Session, the Committee remained dedicated to promoting legislation that would assist New York's farms by streamlining licensing processes, create new promotional opportunities for New York-agribusiness, and provide funding for critical farm programs and research. The Committee also was successful in strengthening animal cruelty legislation in order to ensure the humane treatment of companion animals.

During these difficult economic times, many challenges face the agriculture industry. Following Hurricane Irene and Tropical Storm Lee, the Agriculture Committee will be focused on aiding in the recovery of the agricultural community that was affected by the flooding. I appreciate the support of members of the Assembly from all parts of the State in restoring funding and advancing legislation on behalf of the agricultural community. On behalf of New York's Agriculture Committee, I thank you for your leadership and continued encouragement and support in addressing these important issues.

Sincerely,

William Magee
Chairperson,
Committee on Agriculture

**2011 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON AGRICULTURE**

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William Magee
Chairman

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Danielle Schittino, Committee Assistant
Teri Kleinmann, Associate Counsel
Cindy Cenviva, Program & Counsel Secretary

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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 New York State Department of Agriculture and Markets, and the Agriculture and Markets budget. The Agriculture Committee works closely with institutions of higher education such as Cornell University, to promote agriculture research and development through programs such as Future Farmers of America and Integrated Pest Management. The Agriculture Committee works to ensure the viability of New York's farms, promote the state's agricultural products, and protect our state's farmland resources from nonagricultural development.

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 also provides sponsorship, counsel, and support for agriculturally beneficial program legislation that is referred to the Committees on Insurance, Energy, Labor, Economic Development, and Environmental Conservation.

II. 2011 Committee Accomplishments

A. Agribusiness Development

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

1. Expanding New York's Wine and Grape Industry (Chapter 42 of the Laws of 2011/A.2888-A, Magee)

The law seeks to grow New York's wine and grape industry by expanding the provisions of law that allow the manufacture and sale of wine ice cream to also allow the sale and manufacture of other frozen desserts made with wine.

2. Expanding the Definition of Farm Operation (Chapter 384 of the Laws of 2011/A.7744-A, Magee)

This law expands what would constitute a "farm operation" to include "commercial equine operations" for the purpose of receiving agricultural district protections and an agricultural assessment. "Commercial equine operation" is defined as an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives \$10,000 or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses through the production for sale of crops, livestock, and livestock products.

3. Promoting New York Farm Grown Products (Chapter 454 of the Laws of 2011/A.1389-A, Ortiz)

This law permits the New York State Urban Development Corporation to make loans, loan guarantees, interest subsidies, and grants to be used to finance transportation and distribution projects of New York grown products to food and food services buyers and processors, such as restaurants and schools, especially in underserved urban and other communities.

4. Regulating Local Land Use (A.20, 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 the Senate and was delivered to the Governor.

**5. Creating the Strategic Farm & Food Product Development Coordinating Council
(A.8104, Magee)**

This bill would require the Commissioner of Agriculture and Markets and the Commissioner of Economic Development to create the Strategic Farm and Food Product Development Coordinating Council. This Coordinating Council would identify farm and food products that are in high demand and have the potential for an increase in production, seek to promote relationships between farmers, processors, wholesalers, distributors, and state institutional entities, identify resources including but not limited to state and federal financial assistance and technical assistance and make such information available to interested producers and marketers of such products.

This bill passed the Assembly and is currently in the Senate Rules Committee.

B. Agricultural Districts

Many of the agricultural lands in New York State are in jeopardy of being lost to nonagricultural development. Nonagricultural development extends into farm areas resulting in competition for limited land resources. This competition has resulted in New York State establishing agricultural districts. The agricultural districts conserve, protect, and encourage the development and improvement of agricultural land for production of food and other agricultural products. As of January 1, 2011, New York State has 242 certified agricultural districts in 53 counties. These districts capture over 8.62 million acres, including 6.1 million farm acres on 23,277 farms.

1. Clarifying the Types of Land Eligible for Agricultural Districts (Chapter 47 of the Laws of 2011/A.6213, Magee)

This law expands the types of land that are eligible for the benefits of an agricultural district to include land used for agricultural amusements such as "corn mazes" or "hay bale mazes." This law clarifies a previous opinion from the Office of Real Property relating to this issue. This inclusion of "corn mazes" or "hay bale mazes" will greatly assist farmers in preserving their farms and farmland from nonagricultural development by allowing them to diversify their income by more fully capitalizing on their agricultural resources.

2. Extending Disclosure Requirements for Agricultural District Purposes (A.5825, Gunther)

This bill would require purchasers of real property within 500 feet of an agricultural district to be provided with disclosure of the farming activities within that agricultural district.

This bill passed the Assembly and is currently in the Senate Agriculture Committee.

C. Animal Safety and Control

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

1. Clarifying Chapter 419 of the Laws of 2010 & Chapter 479 of the Laws of 2009 (Chapter 83 of the Laws of 2011/A.6373-A, Cahill)

This law adds the word "shelter" to Chapter 419 of the Laws of 2010 which was inadvertently excluded from the chapter language and conforms Chapter 479 of the Laws of 2009 with current law concerning the release of any dog or cat to another pound, duly incorporated society for prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective service if such transfer would improve the opportunity for adoption.

2. Increasing Penalties for Animal Fighting (Chapter 332 of the Laws of 2011/A.4407-A, Lentol)

This law increases from a violation to a class B misdemeanor, the maximum penalty for an individual's presence as a spectator at an animal fighting event. This crime would be punishable by up to three months in jail and/or a fine not to exceed five hundred dollars. Prior to the passage of this legislation, the penalty for being a spectator at an animal fighting event was a fine no less than twenty-five dollars and no more than two hundred dollars and/or jail time for no less than one month and no more than six months.

3. Protecting Cats & Dogs from Abusive Treatment (A.77-A, Paulin)

This bill would require that a hearing be held if a pet dealer licensee fails three consecutive inspections or fails three inspections within a three-year period. Also, the Commissioner of Agriculture and Markets would be allowed to take additional actions as deemed necessary.

This bill passed the Assembly and is currently in the Senate Agriculture Committee.

4. Funding Animal Rehabilitation Programs (A.259, Paulin)

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. Currently, impounding organizations must file a petition to obtain a security posting. Security posting is discretionary and courts sometimes do not require it. Often, however, impounding organizations do not have legal counsel and are unaware that they have the option to seek a security posting.

This bill passed the Assembly and is currently in the Senate Finance Committee.

**5. Clarifying Part T of Chapter 59 of the Laws of 2010
(A.7140, Magee)**

This bill would clarify that municipalities remit surcharges for purebred licenses to the Commissioner of Agriculture and Markets on a monthly basis and clarify that the previously established surcharge for altered dogs is at least one dollar per year per dog and the surcharge for unaltered dogs is at least three dollars per year per dog. These changes conform to prior and current practices.

This bill passed the Assembly and is currently in the Senate Rules Committee.

**6. Regulating Animal Grooming Facilities
(A.7502-A, Paulin)**

This bill prohibits the use of a cage and box dryer, with the heating element turned on, for purposes of drying or aiding in the drying of a companion animal and establishes any violation of this as punishable by a civil penalty of not less than \$250 and not more than \$500 for each violation.

This bill passed the Assembly and is currently in the Senate Rules Committee.

D. Other Legislation

1. Simplifying Food Scale Requirements (Chapter 43 of the Laws of 2011/A.6423, Magee)

This law removes the thirty feet requirement for computing scales and requires that scales in food retailers be placed in an easily accessible area and a conspicuous sign reading “for customer use” be displayed on or near each scale.

2. Streamline Nursery Grower & Dealer Registration Applications (Chapter 73 of the Laws of 2011/A.7429, Magee)

This law allows any nursery grower or nursery dealer registration to be effective for a period of two years from the date of issuance. Prior to this change, nursery growers and dealers would have to register annually with the Department of Agriculture and Markets in an application filed yearly on or before November 1st.

3. Streamline Operations for Soil & Water Conservation Districts (Chapter 201 of the Laws of 2011/A.7428-A, Magee)

This law allows the chairperson of a county soil and water conservation district to designate an employee of the district to serve on a county agricultural and farmland protection board in lieu of the chairperson, authorize county soil and water conservation districts to hold conservation easements, and a technical clarification to the match requirements for the Agricultural Nonpoint Source Abatement and Control Program.

E. Hearings

In the wake of Hurricane Irene and Tropical Storm Lee, the Assembly Standing Committee on Agriculture held a public hearing on agricultural disaster preparedness and relief.

On December 15, 2011, the Assembly Standing Committee on Agriculture held a joint hearing with the Assembly Standing Committee on Governmental Operations to review the implementation of agricultural disaster preparedness efforts and the status of related on-going disaster relief efforts. The hearing also examined whether current funding levels provided to the Department of Agriculture and Markets were sufficient to support ongoing relief and recovery efforts. Industry professionals submitted testimony addressing the devastating impact of Hurricane Irene and Tropical Storm Lee on the agricultural community. In addition, testimony was given concerning effective initiatives and those that could be improved upon, in order to better prepare for future disasters.

F. Agriculture Budget 2011-2012

The 2011-2012 Executive Budget sought to replace the traditionally lined-out Aid to Localities with a competitive grant program. These grants would have been provided on a competitive basis through a request-for-proposal (RFP) process. Cornell University's "Core" Diagnostic Lab would have received \$6.066 million in a lump sum and the remaining \$1.2 million in funds would have been awarded through the RFP process. The Executive Budget also proposed the Share New York Food Initiative which would assist in expanding consumer access to farmers' markets in underserved areas.

The Share New York Food Initiative seeks to solve two problems: the lack of access to fresh, nutritious food that many New York communities face and the lack of outlets available for New York farmers to sell their products. This initiative would: expand funding eligibility under the Healthy Food/Healthy Communities portion of the Empire State Development Corporation's Upstate Agricultural Economic Development Fund; authorize the New York State Department of Agriculture and Markets to facilitate the creation of revolving loan funds to support agricultural loan programs, which will allow for the creation of new food outlets; and expand the existing law that provides grants for providing State assistance to farmers' markets to include equipment costs such as electronic benefit transfer technology. Addressing these problems could improve both the physical and economic health of the State.

The 2011-2012 enacted budget followed the Assembly's lead and accepted the Share New York Food Initiative as well as restored funding for programs that would have been reduced or eliminated under the Executive's \$1.2 million for the grant program.

Agriculture and Markets:

Tractor Rollover Protection Program	\$ 100,000
Cornell Rabies	\$ 100,000
Northern NY Agricultural Development	\$ 300,000
Ag in the Classroom	\$ 80,000
NYS Apple Growers Association	\$ 206,000
Association of Ag Educators	\$ 66,000
Farm Family Assistance	\$ 384,000
Farm Viability Institute	\$ 1,000,000
Center for Dairy Excellence/Farm Viability Institute	\$ 150,000
Future Farmers of America	\$ 192,000
Golden Nematode	\$ 62,000
Integrated Pest Management	\$ 500,000
Geneva Experiment St. Seed Program	\$ 128,000
Wine/Grape Foundation	\$ 713,000
Long Island Rabies	\$ 100,000
Local Fairs	\$ 340,000
Maple Producers Association	\$ 100,000
Pro Dairy (State Operations)	\$ 411,000
Competitive Grant Program Cut	\$(1,061,000)
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	\$ 3,871,000

III. 2012 Outlook

In the 2011 legislative session, the Agriculture Committee made great strides to protect and enhance the New York agricultural industries. The Agriculture Committee will focus its efforts to continue to expand marketing opportunities for New York farmers and to ensure the viability of New York agriculture in the 21st century. Legislative issues in 2012 will include promoting statewide distribution and marketing for New York growers and producers; keeping viable agricultural lands in production; enhancing animal cruelty laws; ensuring the viability and profitability for 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 Agriculture Committee in 2012 will also be focused on assisting those New York farms damaged due to Hurricane Irene and Tropical Storm Lee. Now more than ever, it is imperative that we ensure that the agricultural community receives the support it needs to recover and thrive.

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 2011 LEGISLATIVE SESSION**

Final Action	Assembly Bills	Senate Bills	Total Bills
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee (Favorable)	4		4
To Ways & Means	8		8
To Codes	13		13
To Rules	2		2
To Judiciary	0		0
Total	27		27
<u>Bills Having Committee Reference Changed</u>			
To _____			
To _____			
To _____			
Total			
<u>Senate Bills Substituted or Recalled</u>			
Substituted		3	3
Recalled			
Total		3	3
<u>Bills Defeated in Committee</u>			
<u>Bills Held for Consideration with a Roll-Call Vote</u>			
<u>Bills Never Reported, Held in Committee</u>	125	14	139
<u>Bills Having Enacting Clauses Stricken</u>	3	0	3
<u>Motions to Discharge Lost</u>			
TOTAL BILLS IN COMMITTEE	155	17	172
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

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

Assembly Bill #	Sponsor	Description
A.2888-A	Magee	The law expands New York's wine and grape industry by extending the provisions that allow the manufacture and sale of wine ice cream to also allow the sale and manufacture of other frozen desserts made with wine. Chapter 42 of the Laws of 2011
A.6423	Magee	This law removes the thirty feet requirement for computing scales and requires that scales in food retailers be placed in an easily accessible area and a conspicuous sign reading "for customer use" be displayed on or near each scale. Chapter 43 of the Laws of 2011
A.6213	Magee	This law expands the types of land that are eligible for the benefits of an agricultural district to include land used for agricultural amusements such as "corn mazes" or "hay bale mazes." Chapter 47 of the Laws of 2011
A.7429	Magee	This law allows any nursery grower or nursery dealer registration to be effective for two years from the date of issuance. Chapter 73 of the Laws of 2011
A.6373-A	Cahill	This law adds the word "shelter" to Chapter 419 of the Laws of 2010 which was inadvertently excluded from the chapter language and conforms Chapter 479 of the Laws of 2009 with current law concerning the release of any dog or cat to another pound, duly incorporated society for prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective service if such transfer would improve the opportunity for adoption. Chapter 83 of the Laws of 2011
A.7428-A	Magee	This law allows the chairperson of a county soil and water conservation district to designate an employee of the district to serve on a county agricultural and farmland protection board in lieu of the chairperson, authorize county soil and water conservation districts to hold conservation easements, and clarify the match requirements for the Agricultural Nonpoint Source Abatement and Control Program. Chapter 201 of the Laws of 2011
A.4407-A	Lentol	This law increases from a violation to a class B misdemeanor, the maximum penalty for an individual's presence as a spectator at an animal fighting event. This crime would be punishable by imprisonment for a period not to exceed three months, and/or by a fine not to exceed five hundred dollars. Chapter 332 of the Laws of 2011
A.7744-A	Magee	This law includes "commercial equine operation" in the definition of "farm operation." Chapter 384 of the Laws of 2011

A.1389-A	Ortiz	This law will allow loans, loan guarantees, interest subsidies, and grants to be used to finance transportation and distribution projects of New York grown products to food and food services buyers and processors, such as restaurants and schools, especially in underserved urban and other communities. Chapter 454 of the Laws of 2011
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APPENDIX C
NEW YORK STATE ASSEMBLY
AGRICULTURE COMMITTEE
BILLS PASSED BY THE ASSEMBLY

Assembly Bill #	Sponsor	Description
A.20	Cahill	This bill would allow the Commissioner of Agriculture and Markets to render an opinion to local government officials as to whether or not farm operations would be impacted by proposed changes in local land use regulations, ordinances, or local laws.
A.77-A	Paulin	This bill would mandate that a hearing be held if a pet dealer licensee fails three consecutive inspections or fails three inspections within a three year period. Also, the Commissioner of Agriculture and Markets would be allowed to take additional actions as deemed necessary.
A.259	Paulin	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.
A.5825	Gunther	This bill would require purchasers of real property within 500 feet of an agricultural district to be provided with disclosure of the farming activities within that agricultural district.
A.7140	Magee	This bill would clarify that municipalities remit surcharges for purebred licenses to the Commissioner of Agriculture and Markets on a monthly basis and clarify that the surcharge for altered dogs is at least one dollar per year per dog and the surcharge for unaltered dogs is at least three dollars per year per dog.
A.7502-A	Paulin	This bill prohibits the use of a cage and box dryer, with the heating element turned on, for purposes of drying or aiding in the drying of a companion animal and establishes any violation of this as punishable by a civil penalty of not less than \$250 and not more than \$500 for each violation.
A.8104	Magee	This bill would require the Commissioner of Agriculture and Markets and the Commissioner of Economic Development to create the Strategic Farm and Food Product Development Coordinating Council.