

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Agriculture
William Magee, Chair



Annual Report 2010

December 15, 2010

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

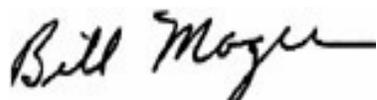
Dear Speaker Silver,

As Chairperson of the Assembly Standing Committee on Agriculture, I respectfully submit to you the 2010 Annual Report. I have also outlined the Committee's significant legislation and our outlook for the 2011 Session.

Throughout the 2010 Legislative Session, the Committee remained dedicated to promoting legislation that would assist New York's farms by reducing regulatory burdens for agriculture, create new promotional opportunities for New York-agribusiness, streamline regulations, and provide funding for critical farm programs and research. The Committee also was successful in enhancing animal cruelty legislation in order to safeguard the humane treatment of domestic and companion animals.

During these difficult economic times, many challenges face the agriculture industry. On behalf of New York's agricultural community, I thank you for your continued encouragement and support 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

**2010 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON AGRICULTURE**

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Chairman**

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Nichole Katz, Senior Analyst
Danielle Schittino, Committee Assistant
Teri Kleinmann, Associate Counsel
Cindy Cenviva, Program and Counsel Secretary

TABLE OF CONTENTS

| | PAGE(S) |
|---|------------|
| I. COMMITTEE JURISDICTION | 3 |
| II. 2010 COMMITTEE ACCOMPLISHMENTS | 4-9 |
| A. Agribusiness Development | 4-5 |
| 1. Real Property Tax Exemption for Orchards and Vineyards | 4 |
| 2. Removing Certain Apiary Regulations | 4 |
| 3. Increasing Opportunities for New York’s Maple Industry | 4 |
| 4. Increasing Opportunities for New York’s Maple Industry | 4 |
| 5. Clarifying the Protections for Timber Operations | 4 |
| 6. Supporting Community Gardens | 5 |
| 7. Disclosure of Farming Activities near Real Property | 5 |
| 8. Tracking Animals in Shelters | 5 |
| 9. Restructuring the Process for Proper Dumping of Agricultural Products | 5 |
| B. Farmland Protection | 6 |
| 1. Increasing State Assistance Payments to Farmers | 6 |
| 2. Allowing State Assistance Payments for Not-for-Profit Conservation Organizations | 6 |
| C. Dairy Issues | 7 |
| 1. Expanding New York’s Wine and Grape Industry | 7 |
| D. Food Safety | 8 |
| 1. Food Donation Liability | 8 |
| 2. Enhancing Sanitary Conditions of Slaughterhouses | 8 |
| E. Animal Safety and Control | 9 |
| 1. Transferring Animals for Adoption | 9 |
| 2. Clarifying Chapter 479 of the Laws of 2009 | 9 |
| 3. Funding Animal Rehabilitation Programs | 9 |
| 4. Protecting the Welfare of Dogs and Cats | 9 |
| F. Hearings | 10 |
| III. 2011 OUTLOOK | 11 |
| Appendix A: Summary Actions on All Bills Passed by Agriculture Committee | 12 |
| Appendix B: Agriculture Chapters List | 13-14 |
| Appendix C: Agriculture Bills Passed by the Assembly | 15 |
| Appendix D: Agriculture Bills Vetoed by the Governor | 16 |

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. It also monitors and, in special circumstances, mediates policy disputes and 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. 2010 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. Real Property Tax Exemption for Orchards and Vineyards (Chapter 229 of the Laws of 2010/ A. 915-A, DelMonte)

This law establishes that the portion of the value of orchard or vineyard land eligible for real property tax exemption would be determined based on the average per acre assessment of all agricultural land of the specific tax parcel as reported in a form approved by the state board of real property services.

2. Removing Certain Apiary Regulations (Chapter 124 of the Laws of 2010/ A. 9231, Magee)

This law removes the requirement that beekeepers apply for a registration number, disclose the locations of their hives, or agree to a survey of apiary land by Commissioner of the Department of Agriculture and Markets.

3. Increasing Opportunities for New York's Maple Industry (Chapter 78 of the Laws of 2010/ A. 9520-A, Reilly)

This law expands the definition of "agricultural commodity" to include maple sap and maple products produced there from.

4. Increasing Opportunities for New York's Maple Industry (Chapter 87 of the Laws of 2010/ A. 9814-A, Reilly)

This law includes the production of maple sap and pure maple products within the definition of "agricultural tourism."

5. Clarifying the Protections for Timber Operations (Chapter 120 of the Laws of 2010/ A. 10556, Magee)

This law expands the definition of "farm operation" to include timber processing, defines "timber operation," and creates a process for correcting errors in agricultural district review filings to comply with the existing process of district creation.

**6. Restructuring the Process for the Proper Dumping of Agricultural Products
(Chapter 527 of the Laws of 2010/ A. 10872, Magee)**

This bill would authorize the Commissioner of Agriculture and Markets, after consultation with Cornell University, to identify establishments and practices that are most susceptible to threats from out of state products in order to prevent the introduction of plant viruses.

**7. Supporting Community Gardens
(A. 6442-A, Cook)**

This bill would support community gardens by requiring that ten percent of proceeds from the sale of community garden property be used to fund community gardens.

**This bill passed the Assembly but was vetoed by the Governor due to the lack of widespread support among local government and community organizations.
(Veto Memo #6727)**

**8. Disclosure of Farming Activities near Real Property
(A. 7835, Koon)**

This bill would require purchasers of real property, within 500 feet of an agricultural district, to disclose at the time of sale, exchange, or transfer of such, if the property is located near an agricultural district.

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

**9. Tracking Animals in Shelters
(A. 10715-A, Paulin)**

This bill would increase transparency regarding shelter operations by requiring animal shelters, which receive state funding, to annually report on intake and disposition of animals and require such report to be available to the public.

**This bill passed the Assembly but was vetoed by the Governor due to the fact that it may impose excessive costs and administrative burdens on the animal shelters, and that the resources spent on compliance would be better spent on animal care.
(Veto Memo #6782)**

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. Increasing State Assistance Payments to Farmers (Chapter 234 of the Laws of 2010/ A. 6686-A, Magee)

This law increases 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.

2. Allowing State Assistance Payments for Not-for-Profit Conservation Organizations (Chapter 93 of the Laws of 2010/ A. 6687, Magee)

This law permits certain not-for-profit conservation organizations to apply for agricultural protection state assistance payments.

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. Expanding New York's Wine and Grape Industry (A. 9859-A, Magee)

This bill would expand 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.

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

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. Food Donation Liability

(Chapter 438 of the Laws of 2010/ A. 9252-A, People-Stokes)

This law clarifies the intent of the existing provision that exempts good-faith donors from criminal penalties or civil damages by providing that such good faith donors shall include, but not be limited to, public food service establishments.

2. Enhancing Sanitary Conditions of Slaughterhouses

(Chapter 211 of the Laws of 2010/ A. 10557, Magee)

This law enhances sanitary conditions of slaughterhouses by strengthening licensing provisions by bringing them into conformance with Article 20-c, which addresses operators of food processing establishments, of the Agriculture and Markets Law.

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. Transferring Dogs or Cats for Adoption (Chapter 419 of the Laws of 2010/ A. 600-B, Cahill)

This bill would allow any animal 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 animal in an adoptive home, when such action is reasonably believed to improve the opportunity for adoption.

2. Clarifying Chapter 479 of the Laws of 2009 (Chapter 449 of the Laws of 2010/ A. 11178-A, Paulin)

This law makes technical amendments to Chapter 479 of the Laws of 2009 by including language that was unintentionally omitted and clarifies that certain registered technicians in training may practice in the scope of their certification without a license to practice veterinary medicine.

3. Funding Animal Rehabilitation Programs (A. 9400, 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.

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

4. Protecting the Welfare of Dogs and Cats (A. 10509-C, Paulin)

This bill would enhance the well-being of dogs and cats sold in New York State by increasing the standards of care provided by licensed pet dealers. For example, providing appropriate exercise and separating animals that are ill from those that are in good health.

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

F. Hearings

During the 2010 legislative session, the Assembly Standing Committee on Agriculture held a public hearing on food safety consumer protections.

On December 1, 2010 the Assembly Standing Committee on Agriculture held a joint hearing with the Assembly Standing Committee on Consumer Affairs and Protection to review the implementation of food safety consumer protections by state agencies under the jurisdiction of the Assembly Standing Committees on Agriculture and Consumer Affairs and Protection. The hearing also examined whether current funding levels provided the Department of Agriculture and Markets and the Consumer Protection Board with the resources necessary to protect consumers from food borne illness. Industry professionals submitted testimony addressing the impact of the recent cuts to food safety programs as well as the increase in licensing fees for commercial feed distributors and food processing establishments. In addition, testimony was given concerning any new initiatives that the Consumer Protection Board has undertaken to protect New Yorkers from food borne illness.

III. 2011 OUTLOOK

In the 2010 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 2011 will include promoting statewide distribution and marketing for New York growers and processors; keeping viable agricultural lands in production; enhancing animal cruelty 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 2010 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) | 5 | 0 | 5 |
| To Ways and Means Committee | 4 | 0 | 4 |
| To Codes Committee | 18 | 0 | 18 |
| To Rules Committee | 2 | 0 | 2 |
| To Judiciary | 0 | 0 | 0 |
| Total | 29 | 0 | 29 |
| <u>Bills Having Committee Reference Changed</u> | | | |
| | | | |
| | | | |
| Total | 0 | 0 | 0 |
| <u>Senate Bills Substituted or Recalled</u> | | | |
| Substituted | | 3 | 3 |
| Recalled | | 2 | 2 |
| Total | | 5 | 5 |
| <u>Bills Defeated in Committee</u> | | | |
| | 0 | 0 | 0 |
| <u>Bills Held in Committee With a Roll-Call Vote</u> | | | |
| | 26 | 0 | 26 |
| <u>Bills Never Reported, Held in Committee</u> | | | |
| | 113 | 5 | 118 |
| <u>Bills Having Enacting Clauses Stricken</u> | | | |
| | 4 | 0 | 4 |
| <u>Motions to Discharge Lost</u> | | | |
| | 0 | 0 | 0 |
| TOTAL BILLS IN COMMITTEE | 172 | 10 | 182 |

Total Number of Committee Meetings Held: 5

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

| Assembly Bill # | Sponsor | Description |
|------------------------|----------------|---|
| A.600-B | Cahill | Allows the release of any animal to another pound, duly incorporated society for the prevention of cruelty to animals or humane society in certain cases. Chapter 419 of the Laws of 2010 |
| A.915-A | DelMonte | Establishes that the portion of the value of orchard or vineyard land eligible for real property tax exemption be determined based on the average per acre assessment of all agricultural land of the specific tax parcel reported in a form approved by the state board of real property services. Chapter 229 of the Laws of 2010 |
| A.6686-A | Magee | Increases the maximum percentage for agricultural protection state assistance payments when project costs are contributed by the owner of the agricultural land. Chapter 234 the Laws of 2010 |
| A.6687 | Magee | Permits certain not-for-profit conservation organizations to apply for agricultural protection state assistance payments. Chapter 93 of the Laws of 2010 |
| A.9231 | Magee | Repeals provisions of law relating to beekeeper and apiary surveys. Chapter 124 of the Laws of 2010 |
| A.9252-A | Peoples-Stokes | Clarifies the ability of public food establishments to donate food without liability. Chapter 438 of the Laws of 2010 |
| A.9520-A | Reilly | Expands the definition of “agricultural commodity” to include maple sap and maple products produced there from. Chapter 78 of the Laws of 2010 |
| A.9814-A | Reilly | Includes the production of maple sap and pure maple products within the definition of “agricultural tourism.” Chapter 87 of the Laws of 2010 |
| A.10556 | Magee | Clarifies protections for timber operations and aids in the prevention of errors in agricultural district review filings. Chapter 120 of the Laws of 2010 |
| A.10557 | Magee | Enhances sanitary conditions of slaughterhouses by strengthening the licensing provisions by bringing them into conformance with Article 20-c of the Agriculture and Markets Law. Chapter 211 of the Laws of 2010 |

| Assembly Bill # | Sponsor | Description |
|------------------------|----------------|---|
| A.10872 | Magee | <p>Authorizes the Commissioner, after consultation with Cornell University, to identify establishments and practices that are most susceptible to threats from out of state products.</p> <p>Chapter 527 of the Laws of 2010</p> |
| A.11178-A | Paulin | <p>Makes technical amendments to Chapter 479 of the Laws of 2009 pertaining to the disposition of abandoned animals.</p> <p>Chapter 449 of the Laws of 2010</p> |

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

| Assembly Bill # | Sponsor | Description |
|------------------------|----------------|---|
| A.6442-A | Cook | Requires municipalities which sell, transfer, or lease community garden real property to use the proceeds there from for community garden purposes. |
| A.7835 | Koon | Requires purchasers of real property within 500 feet of an agricultural district to be provided with disclosure of farming activities within such district. |
| A.9400 | Paulin | Requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals. |
| A.9859-A | Magee | Expand 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. |
| A.10509-C | Paulin | Enhances the well-being of dogs and cats sold in New York by increasing the standards of care provided by licensed pet dealers. |
| A.10715-A | Paulin | Requires animal shelters to annually report on intake and disposition of animals. |

**APPENDIX D
NEW YORK STATE ASSEMBLY
AGRICULTURE COMMITTEE
BILLS VETOED BY THE GOVERNOR**

| ASSEMBLY # | SPONSOR | DESCRIPTION |
|-------------------|----------------|---|
| A.6442-A | Cook | Requires municipalities which sell, transfer or lease community garden real property to use proceeds there from for community garden purposes. Veto Memo 6727 |
| A.10715-A | Paulin | Requires animal shelters to annually report on intake and disposition of animals. Veto Memo 6782 |