

GROWING NY

Agriculture



2017 ANNUAL REPORT

SENATE COMMITTEE ON AGRICULTURE

Senator Patty Ritchie | Chair, Senate Agriculture Committee

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DEVELOPMENT OF RURAL RESOURCES

**THE SENATE
STATE OF NEW YORK**



SENATOR PATTY RITCHIE
48TH DISTRICT
OSWEGO, JEFFERSON, ST. LAWRENCE COUNTIES

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Dear Friend of New York Agriculture,

Farmers working in the fields and students “digging” into future careers in farming are among the countless people across our state responsible for the success of New York agriculture, and the Senate Agriculture Committee is working hard to help them succeed.

In 2017, the Committee helped secure record State Budget funding for agriculture, reversing \$10 million in cuts that were included in the Governor’s Executive Budget. These important funds are already at work, supporting programs farmers depend on and helping to launch new initiatives to ensure a bright future for the industry.

As Chair, I continued my tradition of welcoming ag professionals to the Committee’s public meetings, to highlight agricultural trends, challenges and opportunities confronting the industry, and help raise awareness of the importance of farming to New York’s future.

Our state’s farmers work hard to produce fresh foods and farm-based products to meet growing and increasingly sophisticated market demands, while supporting jobs essential to rural and regional economies statewide. I look forward to continuing to work closely with them to keep New York agriculture strong—and growing.



A handwritten signature in black ink that reads "Patty".

Senator Patty Ritchie
Chair, Senate Agriculture Committee



2017 SENATE AGRICULTURE COMMITTEE



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Patty Ritchie**
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COMMITTEE STAFF

Theodore T. Kusnierz
Committee Director

Patricia McMurray
Committee Clerk

Sheila O'Sullivan
Counsel

FOCUSED ON SUCCESS

In 2017, agriculture remained a leading part of the state's economy. Nearly one-quarter of the state is covered by farms, and farm sales exceeded \$5 billion, a figure that is rapidly growing as New York farmers realize improvements in production, and new farm products are added to the long list of New York grown and farm-made products.

The Senate's Agriculture Committee is long recognized as a leader in supporting New York farmers. For the third straight year, the Senate Agriculture Committee helped to secure record State Budget funding for farming. In 2017, this includes a total of \$51 million—including \$10 million in restorations of cuts that were contained in Governor's Executive Budget. These funds support dozens of programs farmers depend on, as well as new initiatives designed to promote agricultural success and strengthen connections between farmers and consumers, among them:

Among these programs are the following examples from this year's budget:

- ✓ Introducing "F.A.R.M." camp, Cornell-sponsored, regional training camps to provide new and existing farmers with training and specialized business tools to help expand their operations and take advantage of new marketing opportunities. In the North Country, the program will place special emphasis on veterans looking toward a future in farming, while industry- and product-specific training will help farmers in regions across the state expand operations to meet existing demands, such as farm-to-school and regional markets.
- ✓ \$1 million for a fourth round of the "New Farmer Grant Fund," which encourages young people to pursue farm careers. Sixty-five farms across the state are already benefitting from previous rounds of the New Farmer Grants, which provide up to \$50,000 in funding to assist with the purchase of land, buildings, tools and more to help beginning farmers succeed.
- ✓ Restoration of \$10 million in cuts proposed in the Governor's Executive Budget for programs that support and grow industry-specific products, like fruits, berries, honey and maple, as well as key research to prevent crop-ravaging pests and diseases, improve farmer safety and health, and more.
- ✓ New funding to help promote New York's growing, farm-based craft beverage industry, including brewers, distillers and cideries.
- ✓ Continued support for school-based agriculture education and organizations like FFA, which teaches students agricultural and leadership skills, as well as two high school-based agriculture academies in the North Country and Western New York.
- ✓ Funding to establish a "Farm-to-Table Trail," which will help consumers more easily locate local food and drink, and help boost the bottom lines of farmers.
- ✓ Funding was also restored to continue highly successful efforts to protect public health in local communities in Central New York and elsewhere from diseases spread by mosquitoes. Part of that effort included agriculture budget funding to remove tens of thousands of waste tires from farms, backyards and roadsides—tires that can serve as breeding areas for the pests.

Total budget restorations and initiatives since 2011 have totaled more than \$60 million above Executive Budget recommendations.



FFA members share their thoughts on what can be done to protect the future of farming at a public hearing hosted by the Senate Agriculture Committee.

LOOKING TO THE FUTURE OF AGRICULTURE

The Senate Agriculture Committee continued to build on its earlier “Young Farmers,” “Grown in New York” and “Planting Seeds” initiatives by advancing legislation that protects the future of agriculture, reduces paperwork and other burdens to lower costs for farmers and encourage young people to pursue careers in agriculture.

A new law authorizes the creation of a New York State Young Farmers Advisory Board to identify challenges to meeting a goal of attracting 100,000 beginning farmers nationally—including tens of thousands in New York—over the next decade to secure the future of family farming.

Senate-led initiatives, like the New Farmer Grant Program, Young Farmer Loan Forgiveness and others are already helping to strengthen New York’s farm future. The 20-member panel, comprising young farmers from diverse backgrounds and every sector of the state’s vibrant agriculture industry, will advise policymakers on ways to meet the needs of growing consumer demands, keep valuable farmland in production and ensure a steady supply of eager and enthusiastic future farmers to feed an increasingly hungry and demanding population of consumers.



Senate Agriculture Committee Chair Senator Patty Ritchie and Committee Member Senator Patrick Gallivan are pictured in the above photo at December’s hearing.

TURNING TO THE EXPERTS FOR IDEAS TO “GROW NEW YORK AGRICULTURE”

The Agriculture Committee hosted a public hearing at the capital to solicit ideas from farmers and industry representatives on additional ways to help New York agriculture succeed. More than 18 farmers and their representatives—covering a broad expanse of agriculture products, regions and interests—offered testimony on challenges and opportunities for the future of agriculture. Information from the hearing will be used to inform future actions and potential legislation impacting New York’s agriculture community.



SENATE AGRICULTURE COMMITTEE LEGISLATION REPORT

Tuesday, February 7, 2017, at 9:00 AM, Room 411 LOB



Over 50 students from FFA chapters across the state joined the Senate Agriculture Committee during its first meeting of the year. Students spoke about how FFA teaches them not just about farming, but also helps develop leadership skills and encourages community involvement. The Agriculture Committee played a key role in restoring funding cuts for FFA and other ag-related education programs).

S.534 (Young, Funke, Valesky) / No Same As – establishes a three-year real property tax exemption for replanting or crop expansion of woody biomass for the production of ethanol or biodiesel, including willow. This reflects the maturation time needed in order for the plant material to be marketable. (Committed to Rules)

S.852 (Young, Funke, O’Mara, Ranzenhofer) / A.5007 (Magee) - clarifies that the Commissioner of Agriculture and Markets and the NYS Soil & Water Conservation Committee shall be the authorities that establish the need for technical expertise on farm environmental and conservation best management practices. (Passed Senate)

S.943 (Funke, Avella, Brooks) / A. 3944 (Quart) - establishes the healthy options and community outreach program to encourage small store operators to upgrade their facilities, if needed, in order to offer healthier options.

Recognizing that there are many areas across the state without a grocery store nearby, and that a local convenience store may be the only place to shop for needed groceries, this bill provides tax credits for owners who commit to selling healthy food and drinks at their shops, of up to 100% of the cost over five years, if they have to expand or purchase coolers or shelving for the purpose of selling healthier products.

In addition, under the bill, Empire State Development is tasked with implementing a public awareness campaign to explain the benefits of healthy eating as well as where to go to get them. (Passed Senate)

S.1422 (Avella) / A.3178 (Kim) – requires that wholesalers of fish may only sell fish that is in sealed and clearly labeled containers; and to require that such labels include:

- 1) the identity and weight and standard measure or numerical count of the commodity,
- 2) the name and address of the shipper, packer, or distributor,

3) the state of commodity origin. (Chapter 344—Laws of 2017)

S.1913 (Ritchie, Bonacic, DeFrancisco, Gallivan, Larkin, Marchione, O’Mara, Ortt, Ranzenhofer, Serino, Seward, Young) / A.4481 (Magee) - establishes a beginning farmer revolving loan fund program within the Agriculture and Markets Law.

New York state law provides revolving loan programs for many groups, to incentivize residents of the state to take up a certain profession. Taking steps to recruit new and beginning farmers to the agricultural profession is an area in need of incentives such as a revolving loan fund program, especially since our farming community is aging, and it has become increasingly difficult to attract young people to farming and to encourage them to consider a farming career.

Additionally, the recent increase in demand for quality fresh locally grown foods and beverages highlight the importance of assisting new farmers to enter the profession. (Committed to Finance)

S.2479 (Ritchie, Akshar, Helming, Marchione) / A.7367 (Magee) – authorizes and directs the Commissioner of Agriculture and Markets to ensure agriculture’s statewide vitality by assessing the effectiveness of laws meant to protect against encroachment by development onto productive land, and examining emerging agricultural practices and business models, particularly those that could be used by small and mid-sized farms, to determine how they might be encouraged to continue to operate in New York State. (Passed Senate)

S.2898 (Ritchie, Helming, Marchione) / A.7393 (Magee) – establishes a one-stop farming hot line with Cornell cooperative extension to provide farmers with access to essential and valuable information on all aspects of farming, including tax credit programs, beginning farmer loans, and sustainable practices. (Passed Senate)

S.4021 (Ritchie, Akshar, Gallivan, Helming, Marchione) / A.6042 (Magee) - establishes a young farmer agriculture advisory board designed to advise and make recommendations on policies and programs affecting agriculture.

The young farmers agriculture advisory board shall consist of 20 members commissioned to advise and make recommendations to the Legislation on policies and programs directly affecting their future successes in agriculture. (Chapter 129—Laws of 2017)

Tuesday, March 7, 2017, at 9:00 AM, Room 411 LOB



The Agriculture Committee welcomed incoming New York Farm Bureau President David Fisher, a St. Lawrence County dairy farmer, to its March meeting. President Fisher discussed NYFB’s mission “to serve and strengthen agriculture,” as well as the new “Vets-to Farms” program, which is supported through State Budget funding secured by Senator Ritchie and members of the Agriculture Committee.

S.368 (Little, Akshar, Bonacic, Marchione, Seward, Valesky) / A.5196 (Magee) - Directs the wood products development council to work to improve public understanding of the timber industry and authorizes the department of environmental conservation to execute contracts for timber or other forest products valued at under \$50,000 without approval from the state comptroller. (Committed to Rules)

S.722 (Ortt, Akshar, Ritchie) / No Same As - requires notification to the owners and/or operators of a farm operation when information about their farm operation has been requested through the Freedom of Information Law from a state agency or entity.

The bill ensures that our family farms are alerted to the fact that their business information has been requested under the Freedom of Information Law (FOIL) when the inquiry has been made, and in no way hinders the release of FOIL-derived information. It ensures that farmers are aware of a FOIL inquiry for their farm information when a FOIL request is made.

Farmers are on the front lines against natural (i.e. weather, disease, invasive species) and manmade (i.e. bioterrorism, water contamination) threats to the local food network that provides affordable, quality, nutritious food to the State's residents. As skilled, specialized practitioners, farmers counteract these threats through adaptive farm management and daily use of Best Management Practices. With this bill, farmers and their families will have statutory assurance that they will be alerted if and when their farm information is requested by a third party and by whom. This statutory assurance of notification will encourage farmers to continue to enroll in the successful agricultural, environmental conservation, and other programs that the State and farm community have mutually developed and invested in over the past twenty years for the benefit of our family farms, our natural resources and our consumers. (Passed Senate)

S.839 (Funke, Croci, Felder, Ranzenhofer) / A. 7993 (Thiele) - allows municipalities the option to waive a licensing fee for an active military member's dog when they are deployed.

It would apply to dogs that already have a license in the municipality of the owner. Often, when deployed, the military member places their dog with a friend or family member who may reside in a different community. Current law requires the temporary owner to register the dog and pay another licensing fee.

Our service members with dogs should not have to have the added burden of worrying about additional licensing fees when they are fighting for our country. (Passed Senate)

S.1509 (Avella, Addabbo, Brooks, Hoylman, Kaminsky) / A.1473 (Zebrowski) - increases the penalties for failure to comply with provisions of the Agriculture and Markets Law requiring appropriate shelter for dogs left outdoors. (Passed Senate)

S.3015 (Ritchie, Serino)/ No Same As - expands the use of electronic benefit transfer (EBT) technology to Community Supported Agriculture (CSA) markets by providing EBT equipment costs.

By permitting CSA markets access EBT processing equipment, this ensures that CSA markets have the necessary tools to provide healthy food to all residents. Authorizing and equipping CSA markets with EBT technologies will encourage and foster close relationships between farmers and the residents of their communities, thereby, strengthening local economies. (Passed Senate)

S.3877 (Ranzenhofer) / No Same As - clarifies that food labeling is vested exclusively with the state, and promotes uniformity of food labels across the state, to best serve the consumers and producers in New York. (Passed Senate)

S.3921 (Ritchie, Gallivan, O'Mara) / A.7294 (Magee) - defines an agricultural custom operator and provides agricultural district protections when an agricultural custom operator is working on lands within an agricultural district.

Farmers often hire agricultural custom operators to complete routine farming activities such as spreading manure, harvesting crops, and spraying pesticides or spreading fertilizers. Agricultural custom operators allow farmers to manage their farm without having to invest in additional agricultural equipment as well as providing a time saver for completing essential agriculture work.

Currently, agricultural custom operators are not eligible for agricultural district protections. As a result, activities by custom operators are not subject to sound agricultural practice determinations by the Department of Agriculture and Markets. Without these protections, agricultural custom operations are open to nuisance lawsuits, jeopardizing the ability of the custom operator to complete the agricultural practice, and the farm operation's overall capability to function. (Passed Senate)

S.4265 (Griffo, Helming, O'Mara) / A.5964 (Magee) – allows for the sale of wine ice cream in packages that are less than one pint.

Currently, New York allows for the sale of wine ice cream in packages that are one pint in volume or greater, but not less. (Chapter 40 – Laws of 2017)

Tuesday, May 9, 2017, at 9:00 AM, Room 411 LOB



Members of the Agriculture Committee learned about efforts to connect farmers with local consumers through the creation of regional food hubs. In this photo, Senator Ritchie met with Remy Cline and David Puccia from Cornell Cooperative Extension of Jefferson County to discuss progress on a North Country food hub that's supported with State Budget funding secured by the Senator.

S.299 (Murphy, Felder) / A.95 (Paulin) - increases the penalty for multiple convictions of torturing, killing or failing to provide sustenance to an animal to a felony, if convicted within five years from the date of a prior conviction. (Passed Senate)

S.1026 (Bonacic) / No Same As - directs the Commissioner of Agriculture and Markets to include pickling within the purview of the "Home Processor" exemption to the food processor licensing requirements.

Currently many farmers take advantage of the so-called "Home Processor" exemption from the licensing requirements placed upon food processors, to turn surplus fruits into jams or jellies. However, this exemption does not extend to the pickling of vegetables. This bill would include pickling under the exemption if it is determined that the protection of the consumers of the state will not be impaired. (Committed to Finance)

S.1471 (Ritchie, Marchione) / No Same As - requires the Commissioner of Agriculture and Markets to study VT FEED's program models, philosophies, curriculum integration approach, and staff training programs, so that a similar knowledge clearinghouse might be established in New York State. The bill also directs the Commissioner to deliver a report to the Governor and the Legislature within one year of the effective date of the act.

Studying a knowledge clearinghouse like VT FEED, would help New York develop a similar organization so that schools across New York State can more easily integrate sustainable and healthy food in to classrooms, cafeterias, and communities. (Committed to Rules)

S.2098-B (Murphy, Boyle) / A.464-B (Paulin) - enacts the "Elephant Protection Act" which prohibits the use of elephants in any type of entertainment act. (Chapter 333—Laws of 2017)

S.3034 (Ritchie) / A.7809 (Sepulveda) - provides state funding for the fees and costs associated with providing electronic benefit transfer technology at farmers' markets.

This bill supports and promotes the usage of EBT payment at farmers' markets by waiving the service fees associated with EBT processing equipment. Farmers' markets operating in New York State will be alleviated of the fees and costs associated with furnishing EBT technology. The service and transaction fees impacted by this proposal will be limited to fees associated to EBT transactions. This initiative expands access to healthy foods by allowing access to necessary financial support to the several hundred unauthorized farmers' markets across the state, thereby encouraging healthy eating, supporting local economies and enabling all residents to purchase foods at farmers' markets. (Committed to Finance)

S.3872 (Comrie, Kennedy, Montgomery) / A.1183 (Simanowitz) – amends the reporting requirement for the farmers' market program to include a discussion of food deserts and the efforts to develop and expand farmers' markets in food deserts.

Many areas throughout New York lack supermarkets, farm stands or other sources of fresh fruits, vegetables, whole grains and other foods with high nutritious values. Areas that lack access are typically low-income neighborhoods known as "food deserts."

This bill would help gather the information needed for policy makers to implement policies to overcome the barriers that are standing in the way of access to fresh fruits, vegetables, whole grains and nutritious foods in food deserts. (Passed Senate)

S.5127 (Helming) / A.191 (Santabarbara) - establishes the small farm disaster recovery grant program and provides grants for the purchase and replanting of crops destroyed by natural disaster.

Regardless of size, all farmers are vulnerable to the forces of nature, such as excessive heat, drought, flooding, or infestation. For small, newly established farms, one such natural disaster can mean the difference between failure and survival. (Passed Senate)

S.5302-A (Ritchie) / A.8492-A (Magee) - modifies the Agriculture and Markets Law (AML) to relieve unnecessary licensing and financial security requirements for small business milk and farm products dealers.

The bill eliminates nuisance fees for milk receiver and testing licenses and revises the financial security requirements for small business milk dealers. It also increases the minimum sales threshold for licensing and security under the farm products dealer provisions of AML Article 20 from \$10,000 to \$20,000. (Chapter 123 – Laws of 2017)

S.5309-A (Ritchie) / No Same As - modifies the Agriculture and Markets Law (AML) to improve certain provisions affecting the production of agricultural commodities, concerning the inspection and sale of seeds, agricultural liming materials, and commercial fertilizer.

The bill adds definitions of terms currently used, but not defined in the law; makes the laws more consistent with model laws and the laws of other states; and adds provisions to increase consumer protections against buying sub-standard or adulterated materials, by establishing maximum allowable levels of metals in fertilizer.

The bill also adds a specific section to the seed law authorizing “stop sale” orders when products are found to be in violation of the law. (Passed Senate)

S.5664-B (Klein, Addabbo, Avella, Bailey, Boyle, Brooks, Carlucci, Funke, Gallivan, Hoylman, Kennedy, Latimer, Marchione, Montgomery, Parker, Ritchie, Savino, Serrano, Valesky) / A.2409-B (Ortiz) - authorizes the commissioner of education, in cooperation with the commissioner of agriculture and markets, to establish voluntary guidelines for the donation of excess, unused, edible food from school, university, or other educational institutions’ meal programs to voluntary food assistance programs.

The bill encourages the establishment of voluntary programs to assist and facilitate the ability of school districts and institutions of higher learning to donate excess unused food items from their school meal programs to voluntary food assistance programs, such as food pantries, soup kitchens, and other community and not-for-profit organizations that distribute food to the poor and disadvantaged. (Chapter 316—Laws of 2017)

Tuesday, May 16, 2017, at 9:00 AM, Room 411 LOB

S.177-B (Marchione) / A.6123-A (Santabarbara) - reduces the holding time before adoption of stray cats who have been examined by a veterinarian and whose owners are not known by way of collar identification or microchip to three (3) days. (Passed Senate)

S.302 (Murphy) / No Same As - provides for more frequent inspections of pet dealers charged with, or convicted of, violations relating to cats and dogs.

Currently, the Department of Agriculture and Markets is required to perform a yearly inspection of all pet dealer facilities; however, there are no additional inspection requirements when a pet dealer has been charged with a violation, which may leave animals in a dealer’s care susceptible to harm. This bill will ensure that where a pet dealer is charged with a violation, additional inspections will occur at all facilities owned and operated by such pet dealer until a determination is reached on the violation.

Additionally, under the bill, where a pet dealer is found guilty of a violation, and does not lose his or her license as a pet dealer, the Department would be required to conduct quarterly inspections of all sites owned by such pet dealer for a full year after the violation is settled. This will help ensure frequent and proper oversight of all facilities owned and operated by pet dealers under investigation for failure to comply with the terms of their licensure. (Passed Senate)

S.613 (Boyle, Tedisco) / No Same As - provides additional provisions to the agriculture and markets law relating to fire safety, grooming, sanitation, and veterinary examination requirements, as well as additional standards of care for nursing and pregnant dogs.

This legislation affords much needed protections to improve the quality of life of animals in the care of pet dealers, and will prevent negligent treatment by pet dealers. (Committed to Rules)

S.728 (Ritchie) / A.3845 (Rosenthal) - increases the potential penalty for animal cruelty when engaging in such cruelty in the presence of a child. This bill will serve the purpose of curtailing such conduct. (Passed Senate)

S.841 (Tedisco, Boyle, Felder, Kaminsky, O'Mara, Phillips) / A.8089 (Rosenthal) - Makes the failure to provide food, water or appropriate shelter to a companion animal (dogs and cats) left outside, a felony punishable by a fine of not more than \$5,000, or imprisonment for not more than 2 years, or by both such fine and imprisonment. (Committed to Rules)

S.1137 (Marcellino, Felder, Murphy) / No Same As - Increases the maximum fine for the misdemeanor of abandonment of animals to \$2,000. (Passed Senate)



Senator Ritchie, with North Country dairy farmers Kevin Acres and Jon Greenwood, congratulated David Fisher on his selection as President of the New York Farm Bureau.

S.1432 (Ritchie, Marchione) / A. 5048 (Rosenthal) - Criminalizes knowingly causing a minor to attend a place where the exhibition of animal fighting is being conducted.

A growing body of research indicates that cruelty to animals done in the presence of children can damage their emotional development. Such children are more likely to become abusive, anti-social, less empathetic, and desensitized to abhorrent social behavior. Under this bill New York would recognize the extremely harmful impact on children who witness animal fighting. (Passed Senate)

S.1712 (Tedisco, Boyle, O'Mara) / A.8082 (Rosenthal) - increases penalties for violating the prohibition of animal fighting, and for aggravated cruelty to animals; requires a psychiatric evaluation for defendants convicted of aggravated cruelty to animals. (Passed Senate)

S.2501 (Tedisco, Felder, Murphy, O'Mara) / A. 6938 (Rosenthal) - Prohibits a person convicted of "Buster's Law" from owning or possessing a companion animal unless authorized by court order, after appropriate psychiatric or psychological testing. (Passed Senate)

S.2557-B (Golden, Murphy, O'Mara) / A.1279-B (Rosenthal) - creates a task force to study the various methods and strategies employed statewide, to investigate animal abuse and enforce anti-abuse laws. (Committed to Finance)

S.2937 (Gallivan, Avella) / A.3903 (Paulin) - Prohibits persons who have been convicted of animal cruelty from working at an animal shelter; makes violations a class A misdemeanor. (Passed Senate)

S.4796-A (Lanza, Felder) / A.62-A(Paulin) - improves the process for animal sheltering organizations to responsibly meet the costs associated with caring for the victims of animal cruelty during a criminal investigation.

Not-for-profit humane societies, societies for the prevention of cruelty to animals, and other sheltering organizations are often left to care for the victims of animal abuse when such animals are seized from their alleged abusers. The security posting process in current law plays an essential role in helping to cover the significant costs associated with caring for these victims by authorizing courts to require the accused to place funds in an account that can be accessed by the sheltering organization to assist with providing this essential service.

The bill clarifies that impounding organizations may file petitions for a security posting with the court in which criminal charges have been filed. This will help to streamline the process for organizations seeking a security posting, and will also help to avoid unnecessary jurisdictional challenges. (Committed to Rules)

S.5354 (Marchione, Amedore, Helming) / No Same As - requires the promulgation and implementation of standards by the commissioner of agriculture and markets for the designation of therapy dog and includes training, evaluation and certification. (Committed to Rules)

S.5515 (Gallivan) / A.3348 (Paulin) - improves the standard of care for animals in impounding organizations.

The bill requires improvement in shelter care for surrendered dogs including prompt inspection of each dog following a seizure and accessibility to potable non-frozen water for each dog. (Passed Senate)





Senate Agriculture Committee
Room 412, Legislative Office Building
Albany, NY 12247



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Senator Patty Ritchie | Chair

