

# Plan to Grow

## New York Agriculture



**2016 ANNUAL REPORT**  
**SENATE COMMITTEE ON AGRICULTURE**  
Senator Patty Ritchie | Chair, Senate Agriculture Committee

If New York State is described as an economic engine, then agriculture is its beating heart. The success of New York's family farms and related businesses are central to keeping agriculture the state's top industry. They are also a vital part of New York's history and heritage.

Sustaining and growing New York's tradition of agricultural success is a priority for the State Senate and for the Senate Agriculture Committee.

In 2016, the Senate once again secured record funding for a wide range of agricultural programs across the state. The final budget restored more than \$12 million in budget cuts to these programs.

In addition, Agriculture Committee meetings provided opportunities for members to learn more about many important agricultural issues through interaction with a diverse range of subject-matter experts including FFA students, Cornell University leaders and staff, American Farmland Trust, and NY FarmNet.

There is a long and proud history of agricultural excellence in New York State – a direct result of the hard work, long hours, and diligence exemplified every day on farms throughout the state.

The Senate Agriculture Committee will continue to support the innovative programs and initiatives that work to strengthen agriculture in the future.



**Senator Patty Ritchie**  
Chair, Senate Agriculture Committee





## 2016 SENATE AGRICULTURE COMMITTEE



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## As New York State's leading industry, agriculture is directly affected by the actions taken by the State Legislature, and by the Senate Agriculture Committee in particular.

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*This year, more than \$12 million dollars in budget cuts were restored by the State Senate to a wide range of farm programs. It directly reflects ongoing support for these important programs. Since 2011, more than \$55 million has been restored or added to the budget for farm programs, as compared to the amounts included in the Executive Budget proposals.*

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

- ✓ *Record funding for FFA programs which provide students with opportunities to learn about agriculture and develop leadership skills.*
- ✓ *Funding to establish the North Country Agricultural Studies Academy in St. Lawrence County. This facility, which is expected to be a model for similar programs across the state, will provide high school seniors with opportunities to gain hands-on experience in agribusiness careers.*
- ✓ *Funding for a new "Vets to Farms" program that will connect veterans to opportunities where they can receive on-the-job training and experience in operating a farm.*
- ✓ *Renewed funding for student loan forgiveness for beginning farmers.*
- ✓ *Funding for a third round of "Beginning Farmer" grants. The program provides financial help to farmers who have been in business for less than 10 years and who are looking to purchase land, buildings, or supplies.*
- ✓ *Record funding to prevent and fight the spread of diseases such as wildlife rabies and Eastern Equine Encephalitis that can have devastating effects on livestock, wildlife, and humans.*

*Of course, the Committee also acts upon agricultural legislation during meetings. A complete list of the bills, along with their current status, that moved through the Agriculture Committee is included at the end of this report.*

*While reviewing legislation is a central task for the Committee, meetings were not limited to doing so. They also served as opportunities to hear from a variety of guests who shared their agricultural involvement, insight, and expertise with Committee members. Highlights of their presentations to the Committee are included in this report.*





Dean Kathryn Boor (center) and Dean Lorin Warnick (right), from Cornell University answer questions during the Senate Agriculture Committee's January meeting.

## January 26, 2016 Meeting: Cornell University

Without a doubt, Cornell University is at the center of much of the agricultural research and innovation that continues to strengthen agriculture in New York State. During the Agriculture Committee's first meeting of the year, two Cornell University leaders shared more about their roles.

Dr. Kathryn Boor, Dean of the College of Agriculture and Life Sciences, highlighted the ongoing role played by Cornell, as New York's land-grant university, within the agricultural industry. Programs such as Harvest New York, PRO-DAIRY, NY FarmNet, the Cooperative Extension system, and veterans' initiatives through the Small Farms Program are all making a difference in agriculture. Research and education conducted by Cornell University continue to strengthen the industry.

Additionally, the Dean of the College of Veterinary Medicine, Dr. Lorin Warnick, spoke to the Committee. He described the efforts underway to keep the College at the forefront of veterinary medical research and education. The College strives to stay ahead of emerging threats, and Dr. Warnick identified four areas upon which they are focusing: wildlife rabies control, *Salmonella* Dublin (a disease emerging in some New York cattle herds), the reduction of antibiotic use, and avian health.

Clearly, Cornell University is a leader in the state's agricultural industry, and the Agriculture Committee continues to support their ongoing efforts.



Mr. David Fisher, a dairy farmer and New York Farm Bureau's newly-elected President, with Senator Ritchie at an event announcing an expansion of the Harvest New York program.





**FFA members attend a Senate Agriculture Committee meeting in Albany, joining Senator Rich Funke, Senator Leroy Comrie, and Senator Patty Ritchie – Chair of the Senate Agriculture Committee, (pictured from left to right).**



**NYS Department of Agriculture and Markets Commissioner Richard A. Ball (right) joins Assemblyman William Magee, Chair of the Assembly Committee on Agriculture (center), and Senator Patty Ritchie at an agriculture policy meeting.**

## February 9, 2016 Meeting: American Farmland Trust and FFA

The February meeting of the Agriculture Committee was clearly focused on the future of agriculture in New York State.

Mr. David Haight, New York State Director for American Farmland Trust, spoke briefly about the importance of farmland preservation. With more than 4,000 farms paved over in the last 30 years, preserving farmland is of the utmost importance to maintaining a strong agricultural industry.

Also in attendance were many FFA members from across New York State. Originally known as the Future Farmers of America, FFA was established to create the next generation of agricultural leaders who would be able to feed the growing population.

Three FFA members spoke passionately about the future of agriculture in New York. Ms. Sara Millspaugh, in her role as New York State FFA President, reminded Committee members of the importance of agricultural education, and the need for certified agricultural educators in school districts across the state. FFA members, Ms. Dadrion Wheeler and Ms. Katie Killenbeck, shared stories of their involvement in FFA, each describing it as a positive, transformational experience.

Supporting educational organizations like FFA is especially important. This year's budget included \$492,000 for FFA, which is a \$100,000 increase over last year's funding. This record funding will help the FFA continue to build upon its legacy of excellence in agricultural education.





**Mr. Stephen Childs, New York State Maple Specialist at Cornell University, provides the Senate Agriculture Committee with an update on the state's maple industry.**

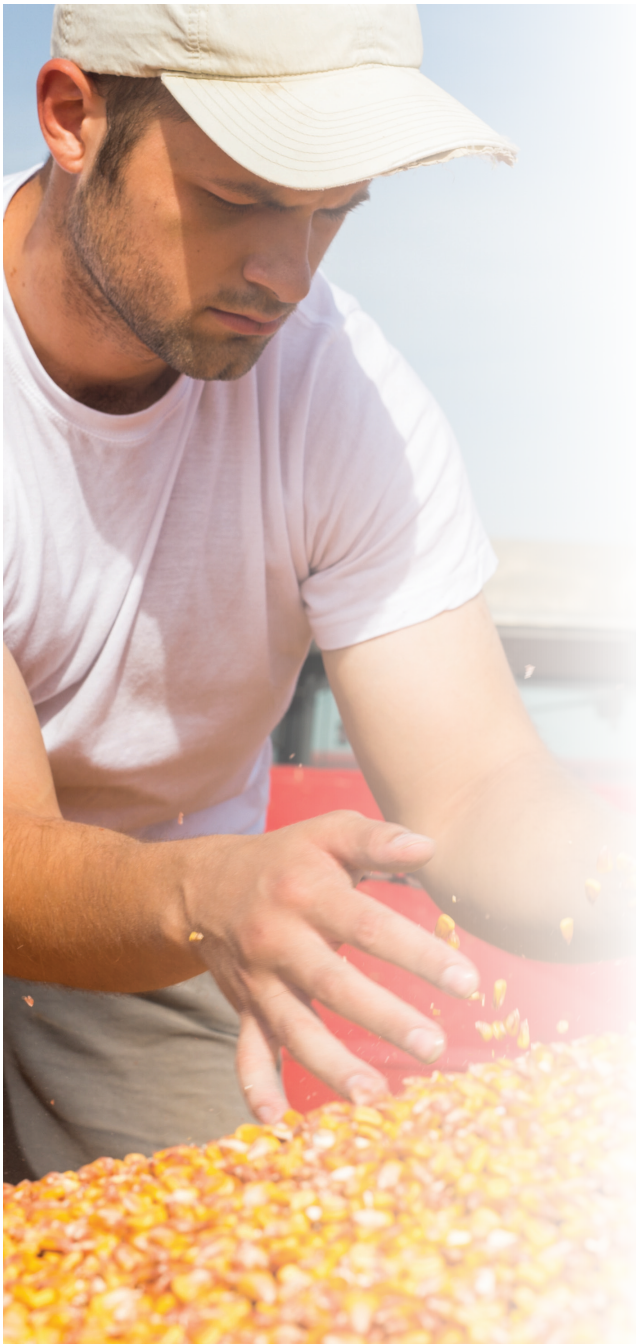
## March 15, 2016 Meeting: Maple

New York State is second only to Vermont in maple production. According to Mr. Stephen Childs, New York State Maple Specialist at Cornell University, the maple industry is twice the size in New York as it was a decade ago. Among the reasons for the increase: a demand for natural foods, good pricing, and technology improvements that have made the maple industry more profitable.

During his presentation to the Agriculture Committee, Mr. Childs emphasized there are significant efforts underway to improve the efficiency in sap collection, the development of guidelines for maple producers, and even a curriculum that was created for use in classrooms to introduce students to maple production.

New York State funding has been a critical investment in Mr. Childs' efforts, allowing him to focus more fully on the research he is conducting, thereby improving his effectiveness.





## May 10, 2016 Meeting: NY FarmNet

New York FarmNet is a tremendous resource for existing and aspiring farmers in New York State. Mr. Ed Staehr, Executive Director of NY FarmNet, shared a brief presentation with the Agriculture Committee during the May meeting.



NY FarmNet is in its 30th year of operation. The organization was created during the farm crisis in the 1980s, and it continues to meet the needs of farmers across the state. The program provides personal and financial consultants who meet directly with farm families to work through the range of financial and interpersonal challenges inherent to farming.

Mr. Staehr reported that over 90 percent of the farms who worked with NY FarmNet saw an increase in profitability or expanded their business. They also see a rising demand for their services in helping farm families navigate the complexities of estate planning and transfer of ownership, especially as existing owners look to retire.

NY FarmNet provides vital services directly to farms, including the development of business plans, organizational techniques, improvement of communication skills, and stress mitigation. The results of these efforts are compelling, and the Senate continues to strongly support this important program.



**Mr. Ed Staehr, Executive Director of NY FarmNet, shares information about FarmNet's mission and accomplishments with the Senate Agriculture Committee.**





## Building Upon a Strong Foundation

As evidenced by the presentations to the Agriculture Committee, New York State enjoys a long history of agricultural excellence. Building a sturdy industry upon that foundation requires ongoing commitment.

Over the last six years, the Senate has reversed the deep budget cuts that threatened to weaken the industry. Instead, the Senate has taken a comprehensive approach to developing legislation and providing funding for agriculture through programs like the “Young Farmers” initiative and “Grown in New York.” This comprehensive approach has resulted in tax and regulatory relief, as well as the creation or reinvestment in agricultural programs.

Some examples include:

- Estate tax reforms
- Student loan forgiveness
- Grants for beginning farmers
- Agriculture leadership programs
- Expansion of markets through farmers’ markets, food hubs, and farm-to-school programs
- Public health initiatives to fight animal diseases
- Promoting farm safety
- Research programs

## Looking ahead

The presentations to the Agriculture Committee serve as a small cross-section of the wide range of successes that have come from the fields and farms, from the research laboratories, and from the minds of innovative people across New York State.

At the same time, there is still much to do. New obstacles arise as quickly as others are overcome. New York State’s agricultural industry is a leader and must continue to rise to the challenges and opportunities it faces.

The Agriculture Committee looks forward to 2017, and its members will continue to support and work to strengthen New York State’s top industry.

**More information about the Senate Agriculture Committee can be found on its website: [nysenate.gov/committees/agriculture](http://nysenate.gov/committees/agriculture)**



**Senator Patty Ritchie joins Mr. Steven Fobare, co-owner of Fobare’s Fruits, during a visit to Fobare’s Fruits in Rensselaer Falls.**

## Senate Agriculture Committee Legislation Report

**Tuesday, January 26, 2016, at 9:00 AM, Room 411 LOB**

**S.410 (Marcellino, Croci, Murphy) / A.2894 (Thiele)** - increases the penalty for abandonment of an animal from a fine of up to \$1,000, to a fine of up to \$2,000. (Passed Senate)

**S.1374 (Bonacic) / No Same As** - relates to an exemption from the small food processing licensing requirements for pickling.

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.

Since this exemption does not currently extend to the pickling of vegetables, this bill would direct the Commissioner of Agriculture and Markets to include pickling under the exemption if he determines that the protection of the consumers of the state as a whole will not be impaired by such action. (Committed to Finance)

**S.1795 (Ritchie, Marchione) / A.944 (Rosenthal)** - criminalizes knowingly causing a minor to attend an exhibition of animal fighting.

Recognizing the extremely harmful impact on children who witness animal fighting, a growing body of research indicates that cruelty to animals done in the presence of children can damage their emotional development and such children are more likely to become abusive, anti-social, less empathetic, and desensitized to abhorrent social behavior. This bill seeks to prevent the exposure of children to animal fighting. (Passed Senate)

**S.3117 (Ortt, Croci, Valesky) / A.2429 (Barrett)** - requires notification to the owner or operator of a farm operation when information about their farm operation has been requested via the Freedom of Information Law (FOIL) from a state agency or entity.

Currently, Article 6, Section 89 of the Public Officers Law dictates that a state agency/entity is required to notify a farm or any business that its records are being released under a Freedom of Information Law (FOIL) request when:

- 1) The records are actually requested via FOIL by a third party, AND
- 2) Upon initial submission of their business information to the state agency, the farm has indicated that they are requesting the state agency/entity consider their information confidential.

If these two conditions are met, the agency/entity will contact the farm and have them justify their position that their business information should be exempted from FOIL release because the information could put the business in a competitive disadvantage with their peers, consistent with the allowable statutory exceptions as defined in the Public Officers Law. The state agency/entity must then determine whether the farm or business’ request for exception is valid and either approve or reject the request for FOIL exemption.

If the agency agrees with the farm or business and denies release of the requested information under the FOIL, the requesting party may sue the agency for violating the FOIL. If the agency disagrees with

the farm or business and releases the information, the farm or business may sue the agency stating that it should fall under the allowable exceptions to FOIL release listed under the Public Officers Law. (Passed Senate)

**S.3451 (Murphy) / A.1412 (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. The bill seeks to prevent animal abuse by raising the penalty for subsequent acts of cruelty which occur within five years of a conviction of this section to an E felony when such cruelty is perpetrated against an animal. (Passed Senate)

**S.5432-A (Funke, Avella) / No Same As** - establishes the healthy options and community outreach program. This bill directs the Empire State Development Corporation to conduct a public awareness campaign and establishes tax credits for small grocers and convenience stores participating in the program. This legislation would encourage small store operators to make the necessary upgrades to their facilities to offer more healthy options. (Passed Senate)

## Tuesday, February 9, 2016, at 9:00 AM, Room 411 LOB

**S.2936 (Boyle, Amedore, Marchione, Murphy, Nozzolio, O'Mara, Serino) / A.1596 (Tedisco)** - expands the definition of aggravated cruelty to animals to include physical injury or death to a companion animal in the course of commission of a felony, or immediate flight there from.

With a total disregard for innocent animals misused or killed in the commission of felonies, criminals who harm beloved pets need to be held responsible for the full extent of their actions. (Passed Senate)

**S.3024-A (Young, Funke, O'Mara, Ranzenhofer) / A.2407-A (Magee)** - authorizes the Commissioner of Agriculture and Markets to define and review farm conservation practices in conjunction with the State Soil and Water Conservation Committee to determine the scope of engineering, land surveying or architecture necessary for such practices on an on-going basis.

Best management practices help protect our natural resources and increase farm environmental sustainability. The experts who assist farms in implementing these programs are local Soil and Water Conservation Districts, and can more appropriately make such determinations. (Passed Senate)

**S.3678-C (Funke, Larkin, Marchione, Panepinto, Ritchie, Valesky) / A.2417-C Santabarbara** - creates a Farm Investment Fund.

For decades, the total number of farmers has been shrinking, but the last Agricultural Census in 2007 showed a four percent increase in the number of farms. It is the first increase since 1920, and in many cases, young people and college graduates are joining in this endeavor.

While there has been an increase in promoting locally grown food, New York's farmers still struggle to get a foothold in this promising new market. Start-up costs for the smallest operations can be daunting, and the difference between success and failure can be a matter of investment that leads to greater productivity. The Farm Investment Fund would feature grants up to \$50,000 to help farmers with the cost of infrastructure, equipment, and practices. (Vetoed – Veto Memo 232)

**S.4851-A (Ritchie) / A.8082 (Magee)** - amends the Agriculture and Markets Law to streamline the process for the creation, review and consolidation of agricultural districts, and repeals certain provisions of the law to improve efficiency, clarity and farmer protections. The bill also amends the Real Property Tax Law's property tax exemption for structures and buildings used exclusively in the raising and production for sale of agricultural or horticultural commodities to expressly include

permanent and impermanent structures and buildings. (Chapter 35 – Laws of 2016)

**S.5026-A (Comrie, Addabbo, Montgomery, Panepinto, Perkins) / A.8138-A (Simanowitz)** - requires the Commissioner of Agriculture and Markets to convene the Community Gardens Task Force and to issue a report.

A community garden is a shared piece of land that is used for gardening by a group of people. Community Gardens have numerous benefits, including access to fresh food with a nutritional value, fostering a sense of stewardship, identity and ownership in a community, providing educational opportunities, increasing property values, and even helping reduce crime.

Recognizing these benefits, in 1986 the state enacted Title 2-C of the Agriculture and Markets Law relating to community gardens. This section of law created a task force to promote and foster the growth of community gardens and outlined goals for the task force. However, the legislation failed to require a report from the task force to provide recommendations for steps required and policy changes needed to facilitate achievement of the goals. This bill would require the Task Force to develop recommendations and issue a report. (Passed Senate)

**S.5256-A (Ritchie, O'Mara) / A.7599 (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 choose to hire an agricultural custom operator to complete routine farming activities on the farm operation due to business or time factors. This may include items such as spreading manure, planting or harvesting crops, and spraying pesticides and fertilizers. Agricultural custom operators allow farmers to manage their farms 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, among other things, 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. This jeopardizes the ability of the custom operator to complete the agricultural practice and the farm operation's overall capability to function. (Passed Senate)

## Tuesday, March 15, 2016, at 9:00 AM, Room 411 LOB

**S.854 (Klein, Addabbo, Avella, Boyle, Carlucci, Hassell-Thompson, Hoylman, Latimer, Marchione, Montgomery, Panepinto, Parker, Ritchie, Savino, Serrano) / A.4833 (Ortiz)** - directs the Commissioner of Education, in cooperation with the Commissioner of Agriculture and Markets, to establish voluntary guidelines to assist school districts and institutions of higher learning to donate excess, unused food from their school meal programs for the poor and disadvantaged. (Passed Senate)

**S.1211 (Little, Bonacic, Marchione, Ritchie, Seward, Valesky) / A.7381 (Magee)** - relates to the harvest of timber on non-protected State lands and directs the Wood Products Development Council to work to improve public understanding of the timber industry. In addition, the measure allows the Department of Environmental Conservation (DEC) to execute a contract which shall be valid and enforceable without first being approved by and filed with the State Comptroller, if the estimated value of the trees, timber or other forest products does not exceed \$50,000.

This proposal essentially mirrors language put forth by DEC and was included in the 2010-2011

Governor's Budget.

Currently, under Senate Finance Law, the threshold is \$10,000, and both the DEC and the State Comptroller must approve the contracts. This dual review is very time consuming. The threshold for sole DEC approval is significantly less. (Passed Senate)

**S.1973 (Griffo) / A.568 (Braunstein)** - prohibits any person, partnership, or corporation from selling, or offering for sale, food products containing melatonin to any person under the age of 18 years. This measure also requires retail food stores to display products containing melatonin in a location designated for persons over the age of 18, in a manner which restricts access to such food products.

While melatonin is a naturally-occurring compound, when ingested as a dietary supplement in large quantities, melatonin can lead the central nervous system to slow down and may impair breathing. Certain melatonin products are purposely marketed to minors and can result in the poisoning of small children. In 2009, there were 5,000 melatonin-related calls into poison control centers, most involving small children.

This bill exempts foods that naturally contain melatonin, such as oats, corn, rice, almonds, fennel seeds, cherries, lemon verbena, balm mint (the young part of the plant) and ginger, and only applies to foods in which melatonin is an additive. (Committed to Rules)

**S.2102 (LaValle) / A.3031 (Thiele)** - increases the penalties for confinement of a companion animal in a vehicle during times of extreme hot or cold temperatures. Confinement of a companion animal in a vehicle during times of extreme hot or cold temperatures can cause injury and death, even in a short period of time.

This legislation increases the penalties for any person who violates the provisions of section 353-d of the agriculture and markets law to \$250-\$500 for the first offense and to \$500-\$1,000 for second and subsequent offenses. It sets a more protective standard for companion animals by permitting an officer to remove companion animals from a vehicle in instances where such confinement may place them in imminent danger of death or serious physical injury. (Passed Senate)

**S.4945 (Comrie, Montgomery, Panepinto, Perkins) / A.8137 (Simanowitz)** - amends the reporting requirement for the farmer's market program to include a discussion of food deserts and the efforts to develop and expand farmer's markets in food deserts. The bill seeks to gather information needed for policy makers to overcome barriers standing in the way of access to fresh fruits, vegetables, whole grains and nutritious foods in food deserts. (Passed Senate)

**S.5720-B (Valesky, Larkin, Serino) / A.7988-B (Magee)** - expands the farm, apple and cuisine trails programs.

The apple, farm and cuisine trail program was last amended in 2008 and has been successful. This 2016 expansion accommodates the heightened state-wide interest in establishing more of these trails. (Chapter 314 – Laws of 2016)

**S.6608 (Ritchie, Young, Akshar, Marchione, O'Mara, Panepinto, Serino, Valesky) / A.2405 (Magee)** - includes "retail farm operations" within the definition of a "farm operation" for the purpose of extending certain protections which are provided for under the state's Right-to-Farm Law.

The measure defines a "retail farm operation" to mean a seasonal or annual enterprise with either

permanent or nonpermanent structures that are operated for the purposes of selling predominantly farm and food products in conjunction with or in support of land used in agricultural production. The bill requires that such portion of the farm and food products exceed 50% of the gross annual income of the retail farm operation. "Farm and food products" are defined to mean any agricultural, horticultural, forest or other product of the soil or water, including but not limited to, fresh or processed fruits, vegetables, eggs, dairy products, meat and meat-products, poultry and poultry products, fish and fish products, apple cider, fruit juice, ornamental plants, nursery products, flowers, and Christmas trees. (Passed Senate)

**S.6613 (Ritchie, Young, Akshar, Avella, O'Mara, Panepinto, Valesky) / A.7069 (Skartados)** - increases from 50 to 100 acres, the acreage of farm woodland that qualifies as land used in agricultural production for agricultural assessment purposes.

Many farms have woodlands on their property which exceed fifty acres, but some only barely exceed that amount, causing local assessors to divide a single woodlot into two separate parcels so that one may be assessed at the highest and best use while the other receives an assessment based upon its agricultural value.

In many instances, the former is only a few small acres of land. As we continue farm preservation efforts, this legislation would allow farmers, particularly in areas of the state with greater development pressure, to remain stewards of their land for generations to come. (Passed Senate)

### **Tuesday, May 10, 2016, at 9:00 AM, Room 411 LOB**

**S.79 (Gallivan, Avella, Martins) / No Same As** - prohibits persons who have been convicted of animal cruelty from working at an animal shelter and makes violations a class A misdemeanor.

The purpose of the bill is to prevent people who are convicted of animal cruelty from working in positions that place them in direct control of animal care. (Passed Senate)

**S.519-A (Ritchie, Amedore, Croci, DeFrancisco, Funke, Gallivan, Griffo, Hannon, Larkin, LaValle, Marchione, Nozzolio, Ortt, Panepinto, Ranzenhofer, Serino, Seward, Valesky) / A.4657 (Magee)** - creates a Grown in New York program campaign to increase awareness and consumption of locally grown and produced foods and related products, and to increase the production and improve the distribution of foods and related products for local consumption. (Committed to Finance)

**S.1793 (Ritchie, Bonacic, Croci, DeFrancisco, Farley, Gallivan, Griffo, Larkin, Latimer, LaValle, Little, Marchione, Nozzolio, O'Mara, Ortt, Panepinto, Ranzenhofer, Robach, Seward, Valesky, Young) / A.4352 (Magee)** - establishes a beginning farmer revolving loan fund program within the Agriculture and Markets Law.

Article 25-AAAA of the Agriculture and Markets law was enacted to promote the agriculture industry in New York, an industry which has a substantial impact on the overall economic health and wellbeing of our state. New York State farms preserve approximately 7.7 million acres of open space as working landscapes, thus contributing to the overall quality of the state's environment. Preserving farmland as a working agricultural landscape provides open space benefits for all residents of the state, and maintains the land as a natural habitat for animals.

Additionally, properly managed farmland has been demonstrated to be the best environmental usage of land for watershed protection. For these reasons, it is in the best interest of the state

to promote agricultural uses of the state's lands. While numerous other revolving loan programs exist under New York law, a revolving loan program for beginning farmers does not currently exist. (Passed Senate)

**S.2075-A (Young, Funke, Valesky) / No Same As** - establishes a real property tax abatement for the value of land used for replanting or crop expansion of woody biomass used for the production of ethanol or biodiesel, including willow.

This bill would encourage crop transitions to cellulosic feedstock, (e.g. willow and grasses), for ethanol production, helping farmers diversify their operations and assisting them in getting into the new and growing market for cellulosic ethanol and biodiesel. (Committed to Finance)

**S.2935 (Boyle, Addabbo, Bonacic, Marchione, Murphy, Nozzolio, O'Mara) / A.2484 (Barrett)** - requires each violator of Buster's Law to register his or her name and address with the Division of Criminal Justice Services (DCJS). Such registry shall be in print and in electronic form and be available to all law enforcement entities, district attorneys, duly incorporated humane societies, societies for the prevention of cruelty to animals, dog or cat protective associations, animal control officers, breeders of animals, and pet stores doing business in the state.

Any person required to register shall register annually, or after a move to a new address and shall continue to register until receiving a court order ordering such registration to cease. No such order shall be issued unless a person first demonstrates to the court that he or she has undergone psychiatric or psychological testing, the results of which indicate by clear and convincing evidence his or her capable and sound mental capacity, and ability to own and properly care for an animal in a humane manner. Any person required to register pursuant to this section shall not own a companion animal or have employment at an animal shelter, pound, pet store, zoo, or other business establishment where companion animals are present. In addition, a person who is convicted of a violation, in addition to any other penalty or term of imprisonment authorized by law, shall be subject to a mandatory surcharge of fifty dollars to pay for the costs and expenses associated with establishing and maintaining the registry. (Committed to Finance)

**S.4375 (LaValle) / A.358 (Ryan)** - known as Phoenix's Law for the five and a half year old Jack Russell Terrier who was intentionally set on fire, but miraculously survived despite having endured weeks of abuse by two individuals. The bill doubles the penalties for aggravated cruelty to animals and requires a psychiatric evaluation to ensure mental health treatment for those convicted of such actions. (Committed to Rules)

**S.4641 (Ritchie, Funke) / A.6126 (Rosenthal)** - relates to aggravated cruelty to animals in the presence of a child, increases the potential term of imprisonment from two to four years when such crime is committed in the presence of a child, and defines "in the presence of a child."

The aim of this legislation is to curtail the performance of acts of cruelty against animals in front of children which can inflict psychological damage on a minor forced to witness such crimes. (Committed to Rules)

**S.5636-A (Valesky) / No Same As** - creates a Small Farm Modernization Fund Program and a Small Farm Modernization Fund. The Small Farm Modernization Fund would feature grants of up to \$25,000 to help small farms modernize infrastructure, equipment, and practices, or add new animals or crops to the farm's production. (Passed Senate)

**S.5727-A (Lanza, Addabbo, Serrano) / A. 7969-A (Paulin)** - provides for the filing and

determination of a petition for the posting of security by persons against whom criminal charges are pending as the result of a crime against the animal. It seeks to improve the process for animal sheltering organizations to responsibly meet the costs associated with caring for the victims of animal cruelty during a criminal investigation. (Committed to Rules)

**S.6264 (Funke, Croci, Ranzenhofer) / A.9856 (Thiele)** - allows municipalities the option to waive a licensing fee for an active military member's dog when they are deployed. (Passed Senate)

**S.6435 (Rivera, Krueger, Serrano) / A.2320-B Dinowitz)** - requires sugar-sweetened beverages to be labeled with a safety warning. (Defeated in Committee)

**S.6634-C (Murphy) / A.10615-B (Rules)** - provides for more frequent inspections of pet dealers which have been charged with or convicted of violations relating to cats and dogs. (Passed Senate)

**S.6805 (Ritchie) / No Same As** - establishes and implements the NY Pride/NY Certified program for agricultural products produced in the state meeting certain quality requirements.

The aim of this legislation is to provide clarity to both producers of agricultural products and consumers of those products that commodities bearing the NY Pride/NY Certified label have been produced in accordance with certain requirements. (Passed Senate)

**S.6986 (Ritchie) / No Same As** - provides state funding for the fees and costs associated with providing electronic benefit transfer technology at farmers' markets. This would broaden access to healthy foods, and increase the number of farmers' markets authorized to accept EBT payment by alleviating the fees and costs associated with electronic benefit transfer technology (EBT) equipment at farmers' markets. (Committed to Rules)

**S.7008 (Ritchie) / No Same As** - authorizes the use of electronic benefit transfer technology at community supported agriculture markets. The bill seeks to expand the use of electronic benefit transfer (EBT) technology to Community Supported Agriculture (CSA) markets by permitting CSA markets access to EBT processing equipment, ensuring that CSA markets have the necessary tools to provide healthy foods to all residents of their communities. 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. (Committed to Rules)

**S.7011-A (Ritchie, Serino) / A.9536 (Magee)** - directs the Commissioner of the New York State Department of Agriculture and Markets to enhance access to viable agricultural land for new and beginning farmers. It directs the Commissioner of the Office of General Services to work with the Commissioner of Agriculture and Markets to develop an inventory of state-owned real property that may be viable for farming.

It would:

- require the State's Agriculture Advisory Council to provide advice to State agencies regarding tax, financial assistance and other policies and programs that could address the needs of beginning farmers and the issues they face related to the transfer of ownership of farms.
- encourage the identification of properties owned by the State that are viable for farming and could be sold or leased for farming.



- promote information among those interested in purchasing or leasing those properties.

(Vetoed – Veto Memo 248)

**S.7164 (Serino, Valesky) / A.9935 (Paulin)** - allows agriculture districts to be converted to solar use without penalty. By allowing solar conversions without penalty, land owners will be able to convert land sooner rather than waiting for the agricultural assessment to expire, sometimes as long as five years. (Committed to Rules)

**S.7316 (Avella, Addabbo, Hoylman, Kaminsky) / A.2059-A (Zebrowski)** - increases the penalties for failure to comply with the provisions of the Agriculture and Markets Law requiring appropriate shelter for dogs left outdoors.

The current penalty, a violation, provides for a fine of \$50 to \$100 for a first offense, and \$100 to \$250 for second offenses. This bill would increase the monetary fines to a more substantial amount - \$250 for a first offense, \$500 for a second offense and \$1,000 for a third offense - creating a more efficient deterrent to violating the law, and it would provide guidance and assurances that dogs are protected while outdoors. (Passed Senate)

**S.7345 (Martins) / A.10170 (Weprin)** - extends the effectiveness of provisions related to licensing of establishments in the City of New York where animals or fowls are slaughtered. This will maintain a sanitary, healthy, and comfortable living environment for the residents of New York City. (Chapter 207 – Laws of 2016)

## Tuesday, June 7, 2016, at 9:00 AM, Room 411 LOB

**S.1177-A (Serrano) / A.2356 (Englebright)** - known as “Sir Henry’s Law,” this bill adds a new section 353-g to the Agriculture and Markets Law regarding informed consent of owners before euthanizing a pet. The new section includes the following provisions:

1) A veterinarian administering a euthanasia procedure shall explain to a companion animal owner in a truthful and easy to understand manner:

a. various methods of humane euthanasia;

b. benefits and risks of each method;

c. negative impacts on the animal of each method; and

d. fully answer any questions the companion animal owner has with regard to euthanasia of the owner’s pet.

2) Prohibits euthanasia by means of intracardiac injection unless the animal is heavily sedated, anesthetized or comatose. However, allows for intracardiac injection on animals that are not heavily sedated, anesthetized or comatose only when intracardiac injection is the most humane option available.

3) Allows owners of a companion animal that is euthanized to remain with a pet during the entirety of the euthanasia procedure.

4) Requires both the veterinarian and companion animal owner to sign a form acknowledging the provisions of the law have been fully complied with. (Committed to Rules)

**S.1812 (LaValle) / A.141 (Paulin)** - relates to owners of lost pets and the return of lost pets to their owners. This measure requires the entity with possession of lost pets to take steps to check the pets for any identification including tags, tattoos and microchips. This legislation also makes information available to the public on their website to assist owners in finding their pets. (Committed to Rules)

**S.4933-A (Ranzenhofer) / No Same As** - clarifies that food labeling is vested exclusively in the state. The aim of this legislation is to avoid having a variety of food labels causing confusion to consumers, who might be unfamiliar with the unique label format required by a particular municipality. Instead, this bill promotes uniformity of food labels across the state, based upon the requirements promulgated by the state, that will best serve the consumers and producers in New York. (Committed to Rules)

**S.6842-B (Avella) / A.1231-B (Jaffee)** - relates to the misbranding of escolar or oilfish, as tuna, albacore tuna, or white tuna. The aim of the bill is to protect public health by prohibiting the sale of certain fish species under names other than the accepted scientific or common names. (Chapter 300 – Laws of 2016)

**S.6960-A (O'Mara) / A.9310-A (Lupardo)** - authorizes the sale, distribution, transportation and processing of industrial hemp. This legislation is an update of the state's Industrial Hemp Pilot Research Program including changes that have been allowed by the federal government, and authorized by §7606 of the 2014 Farm Bill passed by Congress. (Chapter 256 – Laws of 2016)

**S.6961 (O'Mara) / A.8334 (Lupardo)** - establishes procedures for the growing of industrial hemp. The bill would establish a licensing system for farmers to grow industrial hemp and will direct the Department of Agriculture and Markets to establish regulations for the growing of industrial hemp. (Committed to Rules)

**S.7273 (Ritchie) / No Same As** - establishes a one-stop farming hotline with the Cornell Cooperative Extension. The aim of the bill is to provide farmers with easy access to essential and valuable information on all aspects of farming, namely, tax credit programs, beginning farmer loans, and sustainable practices. (Committed to Rules)







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

# 2016 ANNUAL REPORT OF THE SENATE AGRICULTURE COMMITTEE

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**Senator Patty Ritchie | Chair**