

December 15, 2007

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 2007 Annual Report. I have outlined the Committee's significant legislation and our outlook for the 2008 Session.

The Committee was successful this year in promoting legislation that was crucial to help the state's family farms remain solvent and profitable by reducing regulatory burdens for agriculture, providing critical support for the state's dairy industry in response to crisis conditions, creating new promotional opportunities for New York-grown products, strengthening our commitment to farmland protection, and providing funding for critical farm programs and research, including support for several new initiatives. The Committee also made significant progress toward improving New York's food safety standards and enhancing the humane treatment of domestic and companion animals.

Many issues and challenges face the agriculture industry, especially the small farmer. I look forward to your continued support and leadership in addressing these challenges.

Sincerely,

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

William Magee  
Chairperson,  
Committee on Agriculture

**2007 ANNUAL REPORT**  
**OF THE**  
**NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON AGRICULTURE**

**William Magee**  
**Chairman**

**MAJORITY**

Paul D. Tonko  
John J. McEneny  
Peter M. Rivera  
RoAnn M. Destito  
Margaret M. Markey  
Francine DelMonte  
Darrel J. Aubertine  
Barbara S. Lifton  
Aileen M. Gunther  
Michael R. Benedetto  
Robert P. Reilly  
Marc S. Alessi  
Linda Rosenthal  
Alan Maisel  
Albert Stirpe  
Timothy Gordon

**MINORITY**

Clifford Crouch,  
Ranking Minority Member  
Marc W. Butler  
Gary D. Finch  
Roy J. McDonald  
Peter Lopez  
Stephen Hawley

**STAFF**

Joanne Barker, Legislative Coordinator  
William Ketzer, Principal Analyst  
Erin Cunningham, Committee Assistant  
Christina Nowak, Committee Clerk  
Kathleen Quackenbush, Program and Counsel Secretary

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## **I. COMMITTEE JURISDICTION**

The Assembly Standing Committee on Agriculture is responsible for legislation that relates to the Agriculture and Markets Law, oversight of the Department of Agriculture and Markets (“the Department”), and the budget of the Department. The Committee works closely with institutions of higher learning to promote agricultural research and development. The Committee also monitors and, at times, mediates policy disputes and conflicts when agricultural issues are involved.

Some of the major topics investigated by the Committee as part of its legislative and oversight functions include, but are not limited to, food inspections and safety, farmland protection, farm product sales and marketing, agribusiness licensing and regulation, humane treatment of domestic animals and pets, kosher laws and animal disease. The Committee also works to repeal unnecessary or unenforced laws and programs, if such actions are in the public interest.

The Committee also provides sponsorship, input and support for agriculturally-related program legislation referred to the Committees on Insurance, Energy, Labor, Economic Development and Environmental Conservation.

## II. 2007 COMMITTEE ACCOMPLISHMENTS

### A. AGRIBUSINESS DEVELOPMENT

New York State offers many advantages for food producers and processors. However, as both seek to diversify their operations to keep pace with a rapidly changing marketplace, technological advances and more stringent environmental requirements, the Committee seeks to strengthen the State's leadership role accordingly. The Chairman recognizes this need and places it at the top of his priorities.

#### 1. Allowing Real Property Exemptions for Honey and Beeswax Production Structures

This chapter ensures that structures and buildings used in the production of honey and beeswax qualify for the ten-year real property exemption currently provided to producers in Section 483 of the Real Property Tax Law for other agricultural commodities. **(A.6524-A, Magee) (Chapter 540 of the Laws of 2007)**

#### 2. Expanding State Assistance for Promotional Support of Farmers' Markets

This chapter allows any municipal corporation, regional market authority, public benefit corporation, not-for-profit corporation, or agricultural cooperative to submit an application to receive state assistance for promotional support of farmers' markets. **(A.7339, Magee) (Chapter 126 of the Laws of 2007)**

#### 3. Promoting Urban "Greenmarkets"

This bill would provide for the planning and development of regionally-based urban greenmarkets. Such markets would be similar to existing farmers' markets, but would target the need to provide New York producers with increased market opportunities while assisting with revitalization in cities and urban areas. This would be accomplished by bringing farm products and crafts into such areas and allowing for direct sales to consumers. **(A.1334, McEneny) (Passed Assembly)**

### B. FARMLAND PROTECTION

New York State has approximately 36,000 farms and 7.6 million acres of farmland, which produce corn, dairy products, fruits, and vegetables. Unfortunately, the conversion of farmland to forest and suburban housing continues at a significant rate. Preserving farmland remains an important challenge to State government. Programs proposed by the Assembly Committee on Agriculture are directed at ensuring that essential farm operations are recognized by the State regulatory framework and easing financial burdens on farmers.

### **1. Allow Late Filing of Application for Agricultural Assessment in Certain Circumstances**

This chapter authorizes the filing of an application for an agricultural assessment after the taxable status date due to the occurrence of a natural disaster or the destruction of farm structures. **(A.6090-A, Magee) (Chapter 514 of the Laws of 2007)**

### **2. Changes in Agricultural Assessment Values Not to Exceed Ten Percent Per Year**

This chapter provides that the change in the base agricultural assessment values for any given year shall not exceed ten percent of the assessment values of the previous year. **(A.6866, Magee) (Chapter 68 of the Laws of 2007)**

### **3. Allow Applications for Funding to Update Farmland Protection Plans After Ten Years**

This chapter allows counties to apply for funding to assist in the updating of their farmland protection plan after ten years. **(A.7232-A, Magee) (Chapter 124 of the Laws of 2007)**

### **4. Relating to the Review of Agricultural Districts**

This chapter directs county agricultural and farmland protection boards to prepare reports containing certain information pertaining to agricultural districts, including but not limited to the nature and status of farming and farm resources within the district and the degree of coordination between local laws, ordinances, rules, and regulations that apply to farm operations in such district and their influence on farming. **(A.7363, Magee) (Chapter 213 of the Laws of 2007)**

### **5. Grants Partial Deduction from Income Taxes Involving Land Used for Fruit Production**

This bill would grant a partial deduction of interest income, applied toward the calculation of the franchise tax on business corporations and the personal income tax involving certain sales of land used in the production of fruit or fruit products to another who will so use such land. A conservation easement would be required on the land. This bill was vetoed by the governor because he felt the tax incentive structure set up by this bill was too complicated with too few safeguards against abuse. **(A.2074, DelMonte) (Veto Memo #51)**

### **6. Consulting on Land Use Regulations Regarding Agricultural Practices**

This bill would authorize the Commissioner of Agriculture and Markets, upon the request of a municipality, farm owner, or operator, to render an opinion to local government officials on land use regulations pertaining to agricultural practices. **(A.2570-A, Cahill) (Passed Assembly)**

## **C. DAIRY ISSUES**

Dairy products are vitally important to the economy of New York State, representing the vast majority of the State's agricultural industry. New York remains third in the nation for both milk and cheese production and is the top producer of these commodities in the Northeast, despite a significant decrease in cash receipts in 2006 over the previous year, weakening bottom lines as producers struggle with increased fuel and feed costs. In response, the Committee strongly urged inclusion of a Dairy Assistance Program in the SFY 2007-08 budget to provide direct relief to New York's dairy farmers, and appreciates the Speaker's leadership in ensuring that such a program, backed by an appropriation of \$30 million, was included in the final version of the Education, Labor, and Family Assistance budget. While milk pricing is primarily established by Federal order, the Chairman recognizes the continued need to help producers diversify, find new markets for their products, and ensure that farmers receive payments in a prompt manner.

### **1. Studying the Impact of Hauling Costs on Dairy Farms**

This chapter directs the Department of Agriculture and Markets to study the impact of hauling costs on dairy farms. These costs have proven to be a significant burden on dairy farmers. **(A.7113-A, Aubertine) (Chapter 400 of the Laws of 2007)**

### **2. Notifying Producers Regarding Changes to Milk Marketing Agreements**

This bill would require the Commissioner of Agriculture and Markets to notify milk producers who are members of certain dairy cooperatives in the event of proposed changes to milk marketing agreements and/or orders. It would also require that such notification occur not less than thirty days prior to the referendum date and include the nature of the proposed amendment. **(A.1296, Aubertine) (Passed Assembly)**

## **D. FOOD SAFETY**

Staffing levels at the Department's Division of Food Safety and Inspection remain a concern for the Assembly Agriculture Committee. The Committee believes that the current level of staffing is dangerously low and does not provide adequate protection to consumers from food-borne disease. Sickness from adulteration, improper observation of storage, and other sanitary concerns pose a serious threat to public health. In response, the Agriculture Committee passed legislation to enhance the effectiveness of New York's food safety programs.

### **1. Ensuring Food Safety Education Compliance**

This chapter allows the Commissioner of Agriculture and Markets to authorize an additional amount of time, not to exceed thirty days, for retail food stores to comply with the food safety education requirement. Additional time is only to be allowed if a determination has been made that the retail food store has exercised due diligence in attempting to comply with the requirement. **(A.259, Pheffer) (Chapter 97 of the Laws of 2007)**

## **2. Prohibiting the Dumping of Sub-Standard Agricultural Products in this State**

This chapter prohibits the dumping, or other inappropriate disposal, of sub-standard or below grade agricultural products in this state that were originally shipped from outside the state. The intent is to prevent the possible spread of disease or other agents which could infect crops grown in New York. **(A.8458, Magee) (Chapter 668 of the Laws of 2007)**

## **3. Further Ensuring Food Safety Education Compliance**

This bill would extend the amount of time given to retail food stores to come into compliance with the food safety education requirement from thirty days to sixty days. This bill was vetoed by the governor because he felt the provisions were duplicative of those in A.259 (Chapter 97 of 2007). **(A.9081, Pheffer) (Veto Memo #71)**

## **4. Ensuring Safe Transportation of Food Products**

This bill would ensure maximum safety and quality of food products during transportation in the State by allowing Department inspectors to examine common carriers transporting food and food products under conditions that could lead to adulteration. Current law exempts common carriers from this provision. **(A.1172, A. Gunther) (Passed Assembly)**

## **5. Requiring Slaughterhouses to Post the Results of Their Latest Inspection**

This bill would require slaughterhouses to conspicuously post the results of their last inspection. This requirement is designed to encourage slaughterhouses to be in compliance with all regulations by making the results known to their customers. **(A.5375, Markey) (Passed Assembly)**

## **E. ANIMAL SAFETY AND CONTROL**

New York 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 for 2007. The Chairman prioritized legislation to strengthen animal welfare, better assist inspectors in implementing existing law, and encourage responsible pet ownership.

### **1. Prohibiting the Stunning or Killing by Electrocutation of Fur-Bearing Animals**

This chapter prohibits stunning or killing fur-bearing animals by electrocution. The practice is deemed inhumane and defined as a misdemeanor. **(A.2613-A, Glick) (Chapter 642 of 2007)**



## **2. Clarifying the Definition of Pet Dealer**

This bill would better ensure the health and well-being of dogs in the care of certain pet dealers by expanding the Department of Agriculture and Markets' regulatory authority to include large-scale breeders and other businesses exempted from existing State law within the current definition of "pet dealer." **(A.536, Paulin) (Passed Assembly)**

## **3. Sanctioning Security for the Care of Abused Animals**

This bill would authorize district attorneys to bring a petition to require an owner to post security for the care of an abused animal on behalf of an impounding organization. It would also clarify that all such petitions may be filed at or anytime after an arraignment on animal abuse charges. **(A.1741, Englebright) (Passed Assembly)**

## **4. Prohibiting Confinement of Animals in Vehicles During Extreme Temperatures**

This bill would prohibit the confinement of companion animals in motor vehicles during extreme temperatures without proper ventilation or protection. It also would authorize certain officers and peace officers to remove animals from vehicles where the operator of the vehicle cannot be located. **(A.1990-A, Tonko) (Passed Assembly)**

## **5. Providing for the Humane Destruction of Certain Animals**

This bill would establish requirements for the humane destruction of certain animals by a duly incorporated society for the prevention of cruelty to animals, animal shelter, humane society, or any police officer who has consulted with a veterinarian or with two reputable citizens, and a determination is made that the animal will be unable to survive or is unfit for any useful purpose. **(A.5399-A, Paulin) (Passed Assembly)**

## **6. Notifying Dog Purchasers of Licensing Requirements**

This bill would increase compliance with existing dog licensing laws by requiring pet dealers to notify purchasers of dogs that any dog residing in New York State must be licensed, and that licenses can be obtained from the municipality in which the dog resides. **(A.6601, Magee) (Passed Assembly)**

## **7. Authorizing a Tax Check-Off for the Animal Population Control Fund**

This bill would authorize a tax check-off for gifts and contributions to the Animal Population Control Fund, which provides low-cost spaying and neutering services to cat and dog owners. The measure would allow corporate and individual taxpayers to donate to this fund. **(A.7097, Magee) (Passed Assembly)**

## **F. OTHER LEGISLATION**

### **1. Surveying Beekeepers and Apiaries**

This chapter requires the Department of Agriculture and Markets to conduct a survey of beekeepers and apiaries in New York State, in order to collect important information including location, owner's name, and contact information. Providing this information to the department is mandatory, however the compiled results shall be confidential in accordance with Article Six of the Public Officers Law. Each beekeeper and apiary shall be assigned an identification number to post on their premises. **(A.7543-A, Magee) (Chapter 249 of the Laws of 2007)**

### **2. Notification Regarding the Country of Origin of Certain Foods**

This bill would inform consumers regarding the country of origin of certain foods via a labeling requirement, thereby allowing them the opportunity to purchase items raised and produced in the location of their choice. The effective date of a similar Federal law has been repeatedly postponed by Congress. **(A.1999, Aubertine) (Passed Assembly)**

### **3. Prohibiting Use of Herbicides on Utility Right of Ways**

This bill would require that the use of herbicides to control vegetation that grows on utility right of ways be replaced by other methods of controlling vegetation including mechanical alternatives, crop management, and biological controls. The transition to other methods of vegetation control would take place in stages laid out in the legislation. The Department of Agriculture and Markets is authorized to implement a vegetation management program to help achieve this result. **(A.2624, Parment) (Passed Assembly)**

### **III. PUBLIC HEARINGS, ROUNDTABLES AND EVENTS**

The Committee held four joint public hearings with the Senate Committee on Agriculture on Critical Issues Facing the Dairy Industry; the first in Albany on January 22, 2007; the second in Syracuse on January 24, 2007; the third in Rochester on January 25, 2007; and the fourth in Buffalo on February 1, 2007. Assembly members and Senators were able to hear from dairy farmers, representatives of cooperatives, and others who had been greatly affected by the dairy crisis. The goals of this series of hearings included education of leaders as to the true extent of the problem, and attempting to find some way the State could aid the struggling dairy industry.

On April 27, 2007, the Committee hosted a roundtable regarding small meat processing issues in New York State. The meeting was well attended, including representatives from the New York State Department of Agriculture and Markets, the United States Department of Agriculture (USDA), meat producers, and processors. The main goal of this roundtable was to create communication between the Department, the USDA, and the producers and processors. There are many issues facing small processors in New York State, including regulatory red tape and unclear requirements. This meeting was designed to allow these issues to be discussed by all affected parties in the hope that with communication might come solutions.

On December 13, 2007, the Assembly Agriculture Committee held a public hearing in Albany to learn how the Department of Agriculture and Markets implemented agricultural and other programs authorized by the Legislature in the 2007-2008 budget as well as through new laws enacted during the previous calendar year. The Committee heard testimony regarding food safety, farmland viability and protection, wine industry promotion, retail pricing accuracy, animal welfare, pet dealer regulation, ethanol and biodiesel production, animal feed inspections, and low milk prices. These issues represent the diverse policy areas overseen by the Department and highlight the importance of ensuring that agency services are delivered to farms and other businesses in a timely and responsible manner.

The continued success of New York State farmers is vital from both an economic and environmental perspective. Since a healthy agriculture industry means jobs for New York residents, the Assembly Agriculture Committee remains dedicated to developing a more integrated and innovative approach to land preservation and stewardship, marketing, and regulatory oversight to ensure the prosperity of our farms in the 21<sup>st</sup> Century and improve the overall economic health of our rural communities.

## **IV. 2006-2007 BUDGET**

### **\$27.4 Million Allocated for Agricultural Initiatives**

This year the Assembly helped to secure \$27.4 million for the Department of Agriculture and Markets in aid to localities to keep successful programs strong and fund several new initiatives. Funding was provided for the following:

- Agribusiness Incubator without Walls Program
  - ◇ \$50,000
- Agricultural Economic Development (“Grow NY”)
  - ◇ \$1,235,000
- Biodiesel Feasibility Research
  - ◇ \$50,000
- Center for Dairy Excellence
  - ◇ \$750,000
- Cornell Agricultural Assessment Research
  - ◇ \$60,000
- Cornell Agriculture in the Classroom
  - ◇ \$120,000
- Cornell Apiary Inspection Program
  - ◇ \$200,000
- Cornell Apiary Research Program
  - ◇ \$85,000
- Cornell Association of Agricultural Educators
  - ◇ \$40,000
- Cornell Biological Field Station
  - ◇ \$200,000
- Cornell Fluid Milk Pricing Study
  - ◇ \$60,000
- Cornell Geneva Experimental Station
  - ◇ \$500,000

- Cornell Hudson Valley Fruit Laboratory
  - ◇ \$85,000
- Cornell Johnes Disease Program
  - ◇ \$300,000
- Cornell Northern New York Agricultural Development
  - ◇ \$400,000
- Cornell Onion Research Program
  - ◇ \$100,000
- Cornell Phytophthora Research
  - ◇ \$300,000
- Cornell Rabies Program
  - ◇ \$600,000
- Cornell Seed Inspection Program
  - ◇ \$200,000
- Cornell Veterinary Diagnostic Laboratory
  - ◇ \$1,945,000
- County Fairs
  - ◇ \$453,000
- Farm Family Assistance (New York Farm Net)
  - ◇ \$500,000
- Future Farmers of America
  - ◇ \$135,000
- Integrated Pest Management Grape Entomologist (Fredonia)
  - ◇ \$47,000
- Nelson Farms Facility Expansion
  - ◇ \$250,000
- New York State Agritourism
  - ◇ \$1,130,000
- New York State Apple Growers Association
  - ◇ \$750,000

- New York State Avian Disease Program
  - ◊ \$315,000
- New York State Beef Producers Bull Testing Program
  - ◊ \$16,000
- New York State Beef Producers Empire Heifer Development Program
  - ◊ \$14,000
- New York State Cattle Health Assurance Program
  - ◊ \$450,000
- New York State Center for Agricultural Medicine and Health Tractor Rollover Protection Program
  - ◊ \$200,000
- New York State Farm Viability Institute
  - ◊ \$5,000,000
- New York State Golden Nematode Program
  - ◊ \$51,000
- New York State Integrated Pest Management
  - ◊ \$1,000,000
- New York State Maple Producers Association
  - ◊ \$100,000
- New York State Maple Producers State Fairgrounds Facility
  - ◊ \$250,000
- New York State Migrant Child Care
  - ◊ \$4,596,000
- New York State Quality Milk Promotion Program
  - ◊ \$1,084,000
- New York State Seafood Council
  - ◊ \$100,000
- New York State Turfgrass Association Environmental Stewardship Fund
  - ◊ \$175,000

- New York State Wine and Grape Marketing and Promotion
  - ◇ \$2,000,000
- New York State Wine and Grape Foundation
  - ◇ \$1,000,000
- Plum Pox Eradication and Indemnity Program
  - ◇ \$500,000

**\$40.8 Million in Environmental Protection Fund Allocated for  
Agriculture-Related Projects**

This year the Assembly secured a record \$40.8 million in Environmental Protection Fund dollars for initiatives essential to ensure agriculture remains one of New York's most important and environmentally-responsible industries. Funding was included for the following:

- Agricultural and Farmland Protection
  - ◇ \$28,000,000
- Agricultural Non-Point Source Pollution Abatement
  - ◇ \$12,833,000
- Soil and Water Conservation Districts
  - ◇ \$3,000,000

## V. OUTLOOK FOR 2008

In this past legislative session, many bills were signed into law to protect and enhance New York State's valuable agricultural industries, from producer to consumer. The Committee will focus much of its efforts on continuing to expand marketing opportunities for New York farmers and ensuring the viability of New York agriculture in the 21st century. Pending issues include:

- promoting statewide distribution and marketing for New York growers and processors;
- keeping viable agricultural lands in production agriculture;
- strengthening dog licensing and pet dealer laws; and
- food safety.

Other issues facing the Assembly Agriculture Committee include consideration of proposals to better promote New York-grown products, accommodate retired racehorses, regulate pet boarding and grooming facilities, assist not-for-profit organizations in the preservation of farmland and increase support for Cornell's Geneva Experiment Station, which is vital to the development of innovative agricultural practices in New York State.

The Committee will examine these and other issues and will formulate possible legislative solutions, seeking input from all sectors of the agricultural community and the public.



**APPENDIX A**  
**2007 Summary of Action on All Bills**  
**Referred to the Assembly Committee on Agriculture**

<b><u>Final Action</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total Bills</u></b>
<b><u>Bills Reported With or Without Amendments</u></b>			
To Assembly Floor	6	0	6
To Ways & Means Committee	13	0	13
To Codes	13	0	13
To Rules Committee	3	0	3
To Judiciary Committee	0	0	0
<b>Total</b>	<b>35</b>	<b>0</b>	<b>35</b>
<b>Substituted</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Recalled</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>0</b>	<b>3</b>	<b>3</b>
<b><u>Bills Never Reported, Held in Committee</u></b>	<b>107</b>	<b>17</b>	<b>124</b>
<b><u>Bills Never Reported, Died in Committee</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>Bills Having Enacting Clauses Stricken</u></b>	<b>2</b>	<b>0</b>	<b>2</b>
<b><u>Motions to Discharge Lost</u></b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>145</b>	<b>20</b>	<b>165</b>

**Total Number of Committee Meetings Held: 6**

**APPENDIX B**

**Chapters of 2007**

<b>Chapter/ Bill #</b>	<b>Sponsor</b>	<b>Description</b>
Chapter 97 A.259	Pheffer	Allows the Department of Agriculture and Markets to issue a waiver of up to thirty days for retail food stores to comply with the food safety education requirement.
Chapter 642 A.2613-A	Glick	Prohibits the stunning or killing by electrocution of fur-bearing animals.
Chapter 514 A.6090-A	Magee	Authorizes the filing of an application for an agricultural assessment after the taxable status date due to natural disaster or destruction of farm structures.
Chapter 540 A.6524-A	Magee	Includes buildings used in the production of honey and beeswax within the real property tax exemption for buildings essential to the operation of agricultural lands.
Chapter 68 A.6866	Magee	Provides that the change in the base agricultural assessment values for any given year shall not exceed ten percent of the assessment value of the preceding year.
Chapter 400 A.7113-A	Aubertine	Directs the Department of Agriculture and Markets to study the impact of hauling costs on dairy farms.
Chapter 124 A.7232-A	Magee	Allows counties to apply for funding to assist in updating their farmland protection plan after ten years.
Chapter 126 A.7339	Magee	Allows any municipal corporation, regional market authority, public benefit corporation, not-for-profit corporation, or agricultural cooperative to submit an application to receive state assistance for promotional support of farmers' markets.
Chapter 213 A.7363	Magee	Directs county agricultural and farmland protection boards to prepare reports containing certain information pertaining to agricultural districts, including but not limited to the nature and status of farming and farm resources within the district and the degree of coordination between local laws, ordinances, rules, and regulations that apply to farm operations in such district and their influence on farming.

<b>Chapter/ Bill #</b>	<b>Sponsor</b>	<b>Description</b>
Chapter 249 A.7543-A	Magee	Directs the Department of Agriculture and Markets to conduct a survey of beekeepers and apiaries in New York State who shall be mandated to provide the department with certain information including owner's name, contact information, and apiary locations.
Chapter 668 A.8458	Magee	Prohibits the inappropriate disposal of sub-standard or below grade agricultural products, originally from out of state, in this state.

## APPENDIX C

### 2007 Bills Passed by the Assembly

Bill #	Sponsor	Description
A.536	Paulin	Would expand the Department of Agriculture and Markets' regulatory authority to include large-scale breeders and other businesses exempted from existing State law within the current definition of "pet dealer."
A.1172	Gunther, A.	Would ensure maximum safety and quality of food products during transportation in the State by allowing Department inspectors to examine common carriers transporting food and food products under conditions that could lead to adulteration.
A.1296	Aubertine	Would require the Commissioner of the Department of Agriculture and Markets to notify milk producers who are members of certain dairy cooperatives in the event of proposed changes to milk marketing agreements and/or orders. It would also require that the notice occur not less than thirty days prior to the referendum date and include the nature of the proposed amendment.
A.1334	McEneny	Would provide for the planning and development of regionally based urban greenmarkets.
A.1741	Englebright	Would authorize District Attorneys to bring a petition to require an owner to post security for the care of an abused animal on behalf of an impounding organization. It would also clarify that all such petitions may be filed at or anytime after an arraignment on animal abuse charges.
A.1990-A	Tonko	Would prohibit the confinement of companion animals in motor vehicles during extreme temperatures without proper ventilation or protection. It also would authorize certain officers and peace officers to remove animals from vehicles where the operator of the vehicle cannot be located.
A.1999	Aubertine	Would inform consumers regarding the country of origin of certain foods, thereby allowing them the opportunity to purchase items raised and produced in the United States.
A.2570-A	Cahill	Would authorize the Commissioner of Agriculture and Markets, upon the request of a municipality, farm owner, or operator, to render an opinion to local government officials on land use regulations pertaining to agricultural practices.

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>
A.2624	Parment	Would require that the use of herbicides to control vegetation that grows on utility right of ways be replaced by other methods of controlling vegetation including mechanical alternatives, crop management, and biological controls. The transition to other methods of vegetation control would take place in stages laid out in the legislation. The Department of Agriculture and Markets is authorized to implement a vegetation management program to help achieve this result.
A.5375	Markey	Would require slaughterhouses to conspicuously post the results of their last inspection. This requirement is designed to encourage slaughterhouses to be in compliance with all regulations by making the results known to their customers.
A.5399-A	Paulin	Would establish requirements for the humane destruction of certain animals by a duly incorporated society for the prevention of cruelty to animals, animal shelter, humane society, or any police officer who has consulted with a veterinarian or two reputable citizens, and a determination is made that the animal will be unable to survive or is unfit for any useful purpose.
A.6601	Magee	Would require pet dealers to notify purchasers of dogs that any dog residing in New York State must be licensed, and that licenses can be obtained from the municipality in which the dog resides.
A.7097	Magee	Would authorize a tax check-off for gifts and contributions to the Animal Population Control Fund, which provides low-cost spaying and neutering services to cat and dog owners. The measure would allow corporate and individual taxpayers to donate to this fund.

**APPENDIX D**

**2007 Bills Vetoed by the Governor**

<b>Veto/ Bill #</b>	<b>Sponsor</b>	<b>Description</b>
Veto #51 A.2074	DelMonte	Would grant a partial deduction of interest income, applied toward the calculation of the franchise tax on business corporations and the personal income tax involving certain sales of land used in the production of fruit or fruit products to another who will so use such land. A conservation easement would be required on the land.
Veto #71 A.9081	Pheffer	Would extend the amount of time given to retail food stores to come into compliance with the food safety education requirement from thirty days to sixty days.