

3723

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sens. SEWARD, GRIFFO, O. JOHNSON, LARKIN, MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to eliminating term limits for regional fish and wildlife management boards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 4 of section 11-0501 of the
2 environmental conservation law, as amended by chapter 64 of the laws of
3 1987, is amended to read as follows:
4 a. A regional fish and wildlife management board shall be appointed in
5 each of the regions established under subdivision 3 of this section.
6 Such regional board shall consist of three members from each county
7 within the region which has appointed its members. In each county, one
8 member shall be a member of or represent the board of supervisors or
9 county legislative body, one member shall represent the landowners of
10 the county and one member shall represent the sportsmen of the county.
11 Such members from each county shall be appointed by the chairman of the
12 board of supervisors of such county with the approval of the board of
13 supervisors, except that in a county having a county president, a county
14 executive or other chief executive officer, the chief executive officer
15 shall appoint the members representing such county with the approval of
16 the board of supervisors of such county. In a county having an elected
17 legislative body the presiding officer shall appoint the members representing
18 such county with the approval of the legislative body. If there
19 is no presiding officer then the members representing such county shall
20 be appointed by the legislative body as a whole. If a member of the
21 board of supervisors or legislative body is not available to actively
22 participate on the fish and wildlife management board, a representative
23 shall be selected who is an elected county official or who is employed
24 by the county government in a position having administrative or manage-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 rial authority. A landowner representative must actually reside upon
2 rural lands within the county and actually be engaged in the operation
3 of such lands for production of agricultural commodities or forest
4 products. If a landowner representative with such qualifications is not
5 available to actively participate on the fish and wildlife management
6 board, a representative may be appointed who has been for at least five
7 of the past ten years, before commencing his first term in any series of
8 consecutive terms, engaged in such operation of rural lands, and who
9 resides within the county he represents. If no landowner representative
10 with either of these qualifications is available to actively participate
11 on the fish and wildlife management board a representative may be
12 appointed who is a resource manager engaged in such operations on rural
13 lands, and designated by the corporate owner of those lands to represent
14 the landowner's agricultural or silvicultural interests. In the case of
15 certain counties designated by the full state board with a scarcity of
16 rural lands operated for production of agricultural commodities or
17 forest products, the landowner representative shall own such rural lands
18 in New York state, whether or not those properties lie within the county
19 wherein he resides and represents. A sportsman representative must be a
20 resident of the county. The said chief executive officer, presiding
21 officer or legislative body shall receive and consider for appointment
22 as the landowner representative, the recommendations made by the county
23 farm bureau and Pomona grange, and for appointment as the sportsmen's
24 representative, the recommendations made by the county units of organ-
25 ized sportsmen's groups, AS WELL AS CONSIDERING THE ADVANTAGES OF NEW
26 REPRESENTATIVES. The term of office of regional board members shall be
27 two calendar years. A member shall be eligible [to succeed himself not
28 more than three times and shall thereafter be eligible for reappointment
29 only after one term out of office] FOR REAPPOINTMENT TO SUCCESSIVE TERMS
30 OF OFFICE WITHOUT LIMITATION WHERE OTHERWISE QUALIFIED. The term of the
31 sportsmen's representative and the board of supervisors or county legis-
32 lative body representative shall expire at the end of the odd numbered
33 years; the term of the landowner representative shall expire at the end
34 of the even numbered years. An alternate board of supervisors or county
35 legislative body representative, sportsmen's representative and landown-
36 er representative may also be appointed, who shall be available to serve
37 in the event of the temporary inability of the member sportsmen's repre-
38 sentative or member landowner representative or board of supervisors or
39 county legislative body representative to so function. A vacancy in
40 membership of a regional board shall be filled in the same manner as the
41 original appointment for the balance of the unexpired term during which
42 the vacancy occurs; if a supervisor member or county legislative body
43 member shall cease to be a supervisor or member of the legislative body
44 before the expiration of his term as a member of the regional board, a
45 successor shall be appointed for the unexpired balance of the term as a
46 member of the regional board. The chairman of the Board of Directors of
47 each soil and water conservation district and the chairman of each
48 regional forest practice board within the fish and wildlife management
49 region, or his or their representatives, shall be advisory members with-
50 out vote.

51 S 2. This act shall take effect immediately.