S T A T E  O F  N E W  Y O R K

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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:

Section 1. Paragraph a of subdivision 4 of section 11-0501 of the environmental conservation law, as amended by chapter 64 of the laws of 1987, is amended to read as follows:

a. A regional fish and wildlife management board shall be appointed in each of the regions established under subdivision 3 of this section. Such regional board shall consist of three members from each county within the region which has appointed its members. In each county, one member shall be a member of or represent the board of supervisors or county legislative body, one member shall represent the landowners of the county and one member shall represent the sportsmen of the county. Such members from each county shall be appointed by the chairman of the board of supervisors of such county with the approval of the board of supervisors, except that in a county having a county president, a county executive or other chief executive officer, the chief executive officer shall appoint the members representing such county with the approval of the board of supervisors of such county. In a county having an elected legislative body the presiding officer shall appoint the members representing such county with the approval of the legislative body. If there is no presiding officer then the members representing such county shall be appointed by the legislative body as a whole. If a member of the board of supervisors or legislative body is not available to actively participate on the fish and wildlife management board, a representative shall be selected who is an elected county official or who is employed 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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rial authority. A landowner representative must actually reside upon rural lands within the county and actually be engaged in the operation of such lands for production of agricultural commodities or forest products. If a landowner representative with such qualifications is not available to actively participate on the fish and wildlife management board, a representative may be appointed who has been for at least five of the past ten years, before commencing his first term in any series of consecutive terms, engaged in such operation of rural lands, and who resides within the county he represents. If no landowner representative with either of these qualifications is available to actively participate on the fish and wildlife management board a representative may be appointed who is a resource manager engaged in such operations on rural lands, and designated by the corporate owner of those lands to represent the landowner's agricultural or silvicultural interests. In the case of certain counties designated by the full state board with a scarcity of rural lands operated for production of agricultural commodities or forest products, the landowner representative shall own such rural lands in New York state, whether or not those properties lie within the county wherein he resides and represents. A sportsman representative must be a resident of the county. The said chief executive officer, presiding officer or legislative body shall receive and consider for appointment as the landowner representative, the recommendations made by the county farm bureau and Pomona grange, and for appointment as the sportsmen's representative, the recommendations made by the county units of organized sportsmen's groups, AS WELL AS CONSIDERING THE ADVANTAGES OF NEW REPRESENTATIVES. The term of office of regional board members shall be two calendar years. A member shall be eligible [to succeed himself not more than three times and shall thereafter be eligible for reappointment only after one term out of office] FOR REAPPOINTMENT TO SUCCESSIVE TERMS OF OFFICE WITHOUT LIMITATION WHERE OTHERWISE QUALIFIED. The term of the sportsmen's representative and the board of supervisors or county legislative body representative shall expire at the end of the odd numbered years; the term of the landowner representative shall expire at the end of the even numbered years. An alternate board of supervisors or county legislative body representative, sportsmen's representative and landowner representative may also be appointed, who shall be available to serve in the event of the temporary inability of the member sportsmen's representative or member landowner representative or board of supervisors or county legislative body representative to so function. A vacancy in membership of a regional board shall be filled in the same manner as the original appointment for the balance of the unexpired term during which the vacancy occurs; if a supervisor member or county legislative body member shall cease to be a supervisor or member of the legislative body before the expiration of his term as a member of the regional board, a successor shall be appointed for the unexpired balance of the term as a member of the regional board. The chairman of the Board of Directors of each soil and water conservation district and the chairman of each regional forest practice board within the fish and wildlife management region, or his or their representatives, shall be advisory members without vote.

S 2. This act shall take effect immediately.