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

4160

2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. CLARK, BRENNAN, PHEFFER, JACOBS, CARROZZA, SCARBOROUGH, MILLMAN, P. RIVERA, LANCMAN, TITUS, BOYLAND, BENJAMIN -- Multi-Sponsored by -- M. of A. COOK, GABRYSZAK, GIANARIS, GOTTFRIED, HIKIND, LENTOL, MAISEL, MARKEY, ROBINSON, TITONE, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a task force on public health and safety concerns associated with establishments that slaughter and process fowls; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The agriculture and markets law is amended by adding a new article 5-E to read as follows:

ARTICLE 5-E

TASK FORCE ON PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS

SECTION 97. TASK FORCE ON PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS.
98. POWERS AND DUTIES.

S 97. TASK FORCE ON PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS. 1. THE TASK FORCE ON PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS IS HEREBY CREATED TO EXAMINE, EVALUATE, AND DETERMINE THE EFFECT ON PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS ON-SITE IN THE CITY OF NEW YORK. IN ADDITION, TO DETERMINE AND EVALUATE WHETHER AREAS HEAVILY POPULATED WITH RESIDENCES ARE SUITABLE LOCATIONS FOR SITING SUCH BUSINESS.

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

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2. SUCH TASK FORCE SHALL CONSIST OF THIRTEEN MEMBERS, EACH TO SERVE UNTIL MAY FIRST, TWO THOUSAND ELEVEN. SUCH MEMBERS SHALL BE APPOINTED AS FOLLOWS: THREE SHALL BE APPOINTED BY THE GOVERNOR; THREE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; THREE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; AND TWO SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK. ADDITIONAL MEMBERS SHALL BE THE COMMISSIONER AND THE COMMISSIONER OF HEALTH OR HIS OR HER DESIGNEE. APPOINTMENTS SHALL BE MADE WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE. VACANCIES IN THE TASK FORCE SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

3. ALL APPOINTEES SHALL HAVE EXPERTISE IN FIELDS OR DISCIPLINES RELATED TO SLAUGHTERHOUSES, SLAUGHTERING OF FOWLS AND SITING OF SLAUGHTERHOUSES. FURTHERMORE, THE APPOINTMENTS MADE BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL BE COORDINATED TO ENSURE GEOGRAPHIC REPRESENTATION FROM THE GREATER METROPOLITAN NEW YORK CITY REGION AND IMMEDIATELY SURROUNDING COMMUNITIES.

4. THE TASK FORCE SHALL BE CHAIRED BY THE COMMISSIONER OR HIS OR HER DESIGNEE. THE TASK FORCE SHALL ELECT A VICE-CHAIR AND OTHER NECESSARY OFFICERS FROM AMONG ALL APPOINTED MEMBERS.

5. A MAJORITY OF THE MEMBERS OF THE TASK FORCE THEN IN OFFICE SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION OF THE TASK FORCE. AN ACT, DETERMINATION OR DECISION OF THE MAJORITY OF THE MEMBERS PRESENT DURING THE PRESENCE OF A QUORUM SHALL BE HELD TO BE THE ACT, DETERMINATION, OR DECISION OF THE TASK FORCE.

6. THE TASK FORCE SHALL MEET AT LEAST QUARTERLY AT THE CALL OF THE CHAIR. MEETINGS MAY BE HELD VIA TELECONFERENCE. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIR AT THE REQUEST OF A MAJORITY OF THE MEMBERS OF THE TASK FORCE.

7. MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR THEIR ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN THE WORK OF THE TASK FORCE.

S 98. POWERS AND DUTIES. 1. THE TASK FORCE ESTABLISHED SHALL:

(A) IDENTIFY, STUDY AND DETERMINE THE PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWLS AND THE SUITABILITY OF LOCATIONS FOR SITING OF SAID BUSINESS.

(B) EVALUATE WHETHER STATE LAW SUFFICIENTLY RESOLVES ISSUES RELATED TO PUBLIC HEALTH, SAFETY AND SITING OF SAID BUSINESS.

(C) PREPARE A REPORT IDENTIFYING POLICY OPTIONS AND RECOMMENDATIONS REGARDING LEGISLATION REQUIRED TO RESOLVE PUBLIC HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ESTABLISHMENTS THAT SLAUGHTER AND PROCESS FOWL AND THE PROPER LOCATION OF SAME.

2. THE TASK FORCE MAY ESTABLISH SUCH ADVISORY COMMITTEES AS IT DEEMS APPROPRIATE ON MATTERS RELATING TO THE TASK FORCE'S FUNCTIONS, POWERS AND DUTIES. SUCH COMMITTEES SHALL BE CHAIRED BY A TASK FORCE MEMBER, BUT MAY BE COMPOSED OF TASK FORCE MEMBERS AS WELL AS OTHER INDIVIDUALS SELECTED BY THE TASK FORCE TO PROVIDE EXPERTISE OF INTEREST SPECIFIC TO THE CHARGE OF SUCH COMMITTEE.

3. THE TASK FORCE MAY, AS IT DEEMS APPROPRIATE, REQUEST THAT STUDIES, SURVEYS, OR ANALYSES RELATING TO THE TASK FORCE'S POWERS AND DUTIES BE PERFORMED BY ANY STATE DEPARTMENT, COMMISSION, AGENCY OR PUBLIC AUTHORITY. ALL STATE DEPARTMENTS, COMMISSIONS, AGENCIES OR PUBLIC AUTHORITIES SHALL PROVIDE INFORMATION AND ADVICE IN A TIMELY MANNER AND OTHERWISE ASSIST THE TASK FORCE WITH ITS WORK.

4. THE TASK FORCE SHALL SUBMIT A REQUEST FOR ANY APPROPRIATION AS SHALL BE NECESSARY TO ENABLE THE TASK FORCE TO PERFORM ITS FUNCTIONS AND

DUTIES TO THE GOVERNOR, DIRECTOR OF THE DIVISION OF THE BUDGET, AND CHAIRPERSONS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE. THE DEPARTMENT SHALL PROVIDE STAFF SERVICES TO THE TASK FORCE AND SUCH OTHER ADMINISTRATIVE ASSISTANCE AS MAY BE NECESSARY FOR THE TASK FORCE TO CARRY OUT ITS DUTIES, FUNCTIONS AND POWERS.

5. THE TASK FORCE MAY HOLD PUBLIC HEARINGS, TAKE TESTIMONY AND MAKE INVESTIGATIONS AT SUCH PLACES AS IT DEEMS NECESSARY.

6. THE TASK FORCE SHALL MAKE A PRELIMINARY REPORT TO THE GOVERNOR AND THE LEGISLATURE OF ITS FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND ACTIVITIES ALREADY UNDERTAKEN BY THE TASK FORCE, NOT LATER THAN OCTOBER FIRST, TWO THOUSAND TEN, AND A FINAL REPORT OF ITS FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND ACTIVITIES ALREADY UNDERTAKEN BY THE TASK FORCE, NOT LATER THAN MAY FIRST, TWO THOUSAND ELEVEN AND SHALL SUBMIT WITH ITS REPORTS LEGISLATIVE PROPOSALS AS IT DEEMS NECESSARY TO IMPLEMENT ITS RECOMMENDATIONS.

S 2. This act shall take effect immediately and shall expire May 1, 2011 when upon such date the provisions of this act shall be deemed repealed.