

8118

2009-2010 Regular Sessions

I N A S S E M B L Y

May 5, 2009

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Agriculture

AN ACT in relation to creating the farmland preservation advisory board; and providing for the repeal of such provisions upon the expiration thereof

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

- 1 Section 1. The farmland preservation advisory board. 1. Creation of
2 the farmland preservation advisory board. There is hereby created within
3 the executive department a twelve member farmland preservation advisory
4 board. Such board shall be appointed by the governor as follows: four
5 members upon the recommendation of the governor, four members upon the
6 recommendation of the temporary president of the senate, and four
7 members upon the recommendation of the speaker of the assembly. eight
8 members of the board shall constitute a quorum, and the affirmative vote
9 of eight members shall be required for the issuance of any formal decision.
10 The members of the board shall elect a chairperson from among
11 their number.
12 2. Meetings of the board. The board shall meet at the call of the
13 chairperson.
14 3. Duties of the board. The board shall have the following powers and
15 duties:
16 (a) To conduct a review of any state-owned agricultural land, excluding
17 any such land owned by the department of environmental conservation;
18 (b) To evaluate methods for permanently preserving each such parcel of
19 land;
20 (c) To make recommendations for further action to be taken to preserve
21 each such parcel, including, but not limited to, recommendations for a
22 conservation easement or possible transfer of the interest of such property
23 and the identification of potential recipients of any such conservation
24 easement;

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

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(d) The board may consider methods of preservation that would result in an increase in revenue for the state;

(e) The board shall consult with the agency that exercises control over the applicable parcel when conducting a review of such parcel;

(f) The board may consult with:

(i) the office of the attorney general to review legal options for permanently preserving each such parcel, or

(ii) the department of environmental conservation or federal agencies to assist in calculating the conservation values for each such property.

4. Board members; status. Notwithstanding any inconsistent provisions of law, no officer or employee of the state, of any political subdivision of the state, of any governmental entity operating any public school or college, or of any other public agency or instrumentality or unit of government which exercises governmental powers under the laws of the state shall forfeit such office or employment by reason of acceptance of appointment as a member of the board, nor shall service as such member of the board be deemed incompatible or in conflict with such office or employment. The members of the board shall be deemed employees within the meaning of section 17 of the public officers law.

5. Board members; expenses. The members of the board shall serve without salary or per diem allowance, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to this section or other provision of law; provided, however, that such members are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement.

6. Term of office. The members of the board shall serve from the date of appointment until January 16, 2011.

7. Reporting. No later than January 15, 2011, the board shall submit its recommendations to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of agriculture and markets, the commissioner of the department of environmental conservation, the chairs of the senate and the assembly committee on agriculture, and the chairs of the senate and assembly committee on environmental conservation.

S 2. For the purposes of this act, agricultural land means any land in the state which, based on soil types, existing and past use of the land for agricultural purposes, and other relevant factors, is suitable for:

1. cultivating plants for production of human food and fiber and other useful and valuable plant products;

2. producing animals, livestock, and poultry useful to man and the environment; and

3. providing economically profitable farm units. It may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas.

S 3. This act shall take effect immediately and shall expire and be deemed repealed on January 16, 2011.