

3574

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

Introduced by Sen. AUBERTINE -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the state fair advisory board; and to repeal title 3 of article 8 of the public authorities law, relating to the Industrial Exhibit Authority

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

1 Section 1. Subdivision 28 of section 16 of the agriculture and markets
2 law, as amended by chapter 216 of the laws of 1967, is amended to read
3 as follows:
4 28. Provide for holding a state fair to be known as the New York state
5 fair and, for the purpose of seeking advice and counsel in relation
6 thereto, [designate and, at pleasure, remove, not more than fifteen
7 persons to act as a] CONSULT WITH THE state fair advisory board[, with
8 which the commissioner may consult]. THE ADVISORY BOARD SHALL CONSIST
9 OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING ONE MEMBER ON THE
10 RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER ON
11 THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE MEMBER ON THE
12 RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER ON
13 THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. THE GOVERNOR
14 SHALL SELECT A MEMBER OF THE ADVISORY BOARD TO SERVE AS CHAIRPERSON. The
15 members of [such] THE ADVISORY board shall NOT receive [no] compensation
16 for their services, but [shall] MAY be paid their ACTUAL AND necessary
17 [traveling and other] expenses [when consulted by the commissioner]
18 INCURRED IN SERVING UPON THE ADVISORY BOARD.
19 S 2. Transfer assets and liabilities. All assets and liabilities of
20 the industrial exhibit authority, including but not limited to title to,
21 all of the property, real and personal, wherever located, held by, on
22 behalf of, or for the benefit of the industrial exhibit authority shall,
23 upon the effective date of this act, vest in the state of New York and

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

LBD09734-02-9

1 shall be under the management and control of the department of agricul-
2 ture and markets, consistent with the provisions of section thirty-one
3 of the agriculture and markets law. All accounts, money, obligations,
4 contracts, agreements, causes of action and any other thing of value,
5 wherever located, held by, on behalf of or for the benefit of, the
6 industrial exhibit authority shall, upon the effective date of this act,
7 be deemed property of the state of New York and title shall vest in the
8 state of New York, under the management and control of the department of
9 agriculture and markets.

10 S 3. Transfer of records. All books, papers and records of the indus-
11 trial exhibit authority are hereby transferred and assigned to the
12 department of agriculture and markets.

13 S 4. Completion of unfinished business. Any business or other matter
14 undertaken or commenced by the industrial exhibit authority and pending
15 on the effective date of this act may be conducted and completed by the
16 department of agriculture and markets or the commissioner of agriculture
17 and markets, as appropriate, in the same manner and under the same terms
18 and conditions and with the same effect as if conducted by the indus-
19 trial exhibit authority.

20 S 5. Continuity of authority. For the purpose of succession to all
21 functions, powers, duties and obligations transferred and assigned to,
22 devolved upon and assumed by it pursuant to this act, the department of
23 agriculture and markets, and/or the commissioner of agriculture and
24 markets, as appropriate, shall be deemed and held to constitute the
25 continuation of the industrial exhibit authority pertaining to the
26 powers and functions herein transferred.

27 S 6. Terms occurring in contracts and documents. Whenever the indus-
28 trial exhibit authority is referred to or designated in contracts or
29 documents, the department of agriculture and markets or the commissioner
30 of agriculture and markets, as appropriate, shall be substituted.

31 S 7. The state may continue the employment of such employees of the
32 industrial exhibit authority as deemed necessary. The provisions of
33 section forty-five of the civil service law shall apply to such acquisi-
34 tion.

35 S 8. Existing rights and remedies provided. No existing right or reme-
36 dy of any character shall be lost, impaired or affected by reason of
37 this act.

38 S 9. Pending actions and proceedings. No action pending as of the
39 effective date of this act brought by or against the industrial exhibit
40 authority shall be affected by any provision of this act, but the same
41 may be prosecuted or defended in the name of the commissioner of agri-
42 culture and markets or the department of agriculture and markets as
43 appropriate, and the proper party shall, upon application to the court,
44 be substituted as a party.

45 S 10. Continuation of rules and regulations. All rules, regulations,
46 acts, determinations and decisions of the industrial exhibit authority
47 pertaining to the functions transferred and assigned by this act, in
48 force at the time of such transfer, assignment, assumption or devolution
49 shall continue in force and effect as rules, regulations, acts, determi-
50 nations and decisions of the commissioner of agriculture and markets in
51 accordance with the context therefor, until duly modified or abrogated
52 by the commissioner of agriculture and markets.

53 S 11. Transfer of appropriation. All appropriations and reappropri-
54 ations heretofore made to the industrial exhibit authority for the func-
55 tions, powers and other matters transferred pursuant to this act, to the
56 extent of remaining unexpended or unencumbered balances thereof, whether

1 allocated or unallocated and whether obligated or unobligated, shall be
2 transferred to and made available for use and expenditure by the depart-
3 ment of agriculture and markets and shall be payable on vouchers certi-
4 fied or approved by the commissioner of agriculture and markets, on
5 audit and warrant of the comptroller. Payments of liabilities for
6 expenses of personal services, maintenance and operation which shall
7 have been incurred by the industrial exhibit authority as of the effec-
8 tive date of this act in connection with the functions, powers and other
9 matters transferred pursuant to this act, shall also be made on vouchers
10 certified or approved by the commissioner of agriculture and markets, on
11 audit and warrant of the comptroller.

12 S 12. Title 3 of article 8 of the public authorities law is REPEALED.

13 S 13. This act shall take effect on the ninetieth day after it shall
14 have become a law.