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

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:

Section 1. Subdivision 28 of section 16 of the agriculture and markets law, as amended by chapter 216 of the laws of 1967, is amended to read as follows:

28. Provide for holding a state fair to be known as the New York state fair and, for the purpose of seeking advice and counsel in relation thereto, [designate and, at pleasure, remove, not more than fifteen persons to act as a] CONSULT WITH THE state fair advisory board[, with which the commissioner may consult]. THE ADVISORY BOARD SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING ONE MEMBER ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE MEMBER ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE MEMBER ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. THE GOVERNOR SHALL SELECT A MEMBER OF THE ADVISORY BOARD TO SERVE AS CHAIRPERSON. The members of [such] THE ADVISORY board shall NOT receive [no] compensation for their services, but [shall] MAY be paid their ACTUAL AND necessary [traveling and other] expenses [when consulted by the commissioner] INCURRED IN SERVING UPON THE ADVISORY BOARD.

S 2. Transfer assets and liabilities. All assets and liabilities of the industrial exhibit authority, including but not limited to title to, all of the property, real and personal, wherever located, held by, on behalf of, or for the benefit of the industrial exhibit authority shall, 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.

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

S 3. Transfer of records. All books, papers and records of the industrial exhibit authority are hereby transferred and assigned to the department of agriculture and markets.

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

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

S 6. Terms occurring in contracts and documents. Whenever the industrial exhibit authority is referred to or designated in contracts or documents, the department of agriculture and markets or the commissioner of agriculture and markets, as appropriate, shall be substituted.

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

S 8. Existing rights and remedies provided. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

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

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

S 11. Transfer of appropriation. All appropriations and reappropriations heretofore made to the industrial exhibit authority for the functions, powers and other matters transferred pursuant to this act, to the extent of remaining unexpended or unencumbered balances thereof, whether

allocated or unallocated and whether obligated or unobligated, shall be transferred to and made available for use and expenditure by the department of agriculture and markets and shall be payable on vouchers certified or approved by the commissioner of agriculture and markets, on audit and warrant of the comptroller. Payments of liabilities for expenses of personal services, maintenance and operation which shall have been incurred by the industrial exhibit authority as of the effective date of this act in connection with the functions, powers and other matters transferred pursuant to this act, shall also be made on vouchers certified or approved by the commissioner of agriculture and markets, on audit and warrant of the comptroller.

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

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