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

218--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, J. RIVERA, COLTON, BROOK-KRASNY, LUPARDO -- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, GALEF, LIFTON, MAGEE, PERRY, REILLY, ROBINSON, SWEENEY, WRIGHT -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the creation of a New York state council on food policy; 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 executive law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A

NEW YORK STATE COUNCIL ON FOOD POLICY

SECTION 275. NEW YORK STATE COUNCIL ON FOOD POLICY.
276. ADVISORY BOARD TO THE COUNCIL.
277. POWERS AND DUTIES OF THE COUNCIL AND BOARD.

S 275. NEW YORK STATE COUNCIL ON FOOD POLICY. THERE IS HEREBY ESTABLISHED WITHIN THE EXECUTIVE DEPARTMENT THE "NEW YORK STATE COUNCIL ON FOOD POLICY," HEREINAFTER REFERRED TO IN THIS ARTICLE AS THE "COUNCIL". THE PURPOSE OF THE COUNCIL SHALL BE THE DEVELOPMENT OF COMPREHENSIVE, COORDINATED STATE FOOD POLICIES WITH THE GOAL OF PROVIDING A PLENTIFUL, ACCESSIBLE, AFFORDABLE, SAFE AND NUTRITIOUS FOOD SUPPLY, COMPRISED OF LOCALLY PRODUCED FOODS AS MUCH AS POSSIBLE, SO THAT ALL CITIZENS OF THE STATE ARE ABLE TO EAT A HEALTHY DIET AND AVOID HUNGER, AND HAVE THE OPPORTUNITY TO SUPPORT A VIBRANT LOCAL FARM AND FOOD ECONOMY. THE COUNCIL SHALL CONSIST OF THE COMMISSIONERS OR DIRECTORS OF THE FOLLOWING STATE AGENCIES AND OFFICES: HEALTH, AGRICULTURE AND MARKETS, TEMPORARY

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

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AND DISABILITY ASSISTANCE, EDUCATION, AGING, GENERAL SERVICES, ECONOMIC DEVELOPMENT, ENVIRONMENTAL CONSERVATION, CONSUMER PROTECTION BOARD, AND ANY OTHER EXECUTIVE DEPARTMENTS THE GOVERNOR DEEMS APPROPRIATE. THE COUNCIL SHALL ALSO CONSIST OF THE FOLLOWING MEMBERS WITH EXPERIENCE AND EXPERTISE IN FOOD POLICY: FOUR MEMBERS APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE LEGISLATIVE LEADERS, ONE EACH BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY; ONE MEMBER REPRESENTING FARMERS; THREE MEMBERS REPRESENTING THE FOOD INDUSTRY, INCLUDING PRODUCERS, DISTRIBUTORS, PROCESSORS OR RETAILERS WHO ARE RESIDENTS OF AND WORK IN THE STATE OF NEW YORK; THREE MEMBERS REPRESENTING FOOD AND NUTRITION ASSISTANCE PROGRAMS; ONE MEMBER REPRESENTING ANTI-HUNGER ADVOCATES; ONE MEMBER WHO IS A NUTRITIONIST; ONE MEMBER REPRESENTING CONSUMERS; AND, ONE MEMBER FROM AN ACADEMIC INSTITUTION WITH EXPERTISE IN FOOD POLICY.

MEMBERS OF THE COUNCIL SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS OF THE COUNCIL, BUT EACH OF THEM SHALL BE ALLOWED THE NECESSARY AND ACTUAL EXPENSES WHICH HE OR SHE SHALL INCUR IN THE PERFORMANCE OF HIS OR HER DUTIES.

1. THE GOVERNOR MAY DESIGNATE EITHER THE COMMISSIONER OF HEALTH, COMMISSIONER OF AGRICULTURE AND MARKETS OR THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AS THE CHAIR OF THE COUNCIL. OF THOSE THREE OFFICERS, THE TWO WHO ARE NOT DESIGNATED AS CHAIR OF THE COUNCIL SHALL BOTH SERVE AS VICE-CHAIRS OF THE COUNCIL.

2. THE GOVERNOR, IN CONSULTATION WITH THE CHAIR OF THE COUNCIL, MAY ESTABLISH AT LEAST THREE COMMITTEES OF THE COUNCIL INCLUDING: A COMMITTEE ON HUNGER AND FOOD INSECURITY ISSUES, CHAIRED BY THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; A COMMITTEE ON NUTRITION AND HEALTH ISSUES, CHAIRED BY THE COMMISSIONER OF HEALTH; AND A COMMITTEE ON AGRICULTURAL AND FOOD INDUSTRY ISSUES, CHAIRED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS. MEMBERS OF THE COUNCIL MAY SERVE ON MORE THAN ONE COMMITTEE. COUNCIL MEMBERS MAY AUTHORIZE REPRESENTATIVES TO PARTICIPATE IN MEETINGS.

3. THE CHAIR OF THE COUNCIL, IN CONSULTATION WITH THE OTHER MEMBERS, MAY APPOINT OR EMPLOY AN EXECUTIVE DIRECTOR, AND MAY APPOINT OR EMPLOY SUCH OTHER PERSONNEL AS THE CHAIR MAY DEEM NECESSARY, SUBJECT TO AVAILABLE APPROPRIATIONS.

4. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY DEPARTMENT, OFFICE, DIVISION, BOARD, BUREAU, COMMISSION, COMMITTEE OR AGENCY OF THE STATE OR OF ANY POLITICAL SUBDIVISION THEREOF SHALL, AT THE REQUEST OF THE CHAIR OF THE COUNCIL, PROVIDE TO THE COUNCIL SUCH PERSONNEL, FACILITIES, ASSISTANCE AND DATA AS SHALL REASONABLY ENABLE THE COUNCIL TO PROPERLY CARRY OUT ITS POWERS AND DUTIES AND THOSE OF THE CHAIR.

5. THE COUNCIL SHALL MEET AS FREQUENTLY AS BUSINESS MAY REQUIRE, BUT AT LEAST TWICE A YEAR; AT LEAST ONE MEETING OF THE COUNCIL MAY BE HELD JOINTLY WITH THE ADVISORY BOARD TO THE COUNCIL.

S 276. ADVISORY BOARD TO THE COUNCIL. AN ADVISORY BOARD TO THE COUNCIL SHALL ALSO BE ESTABLISHED TO PROVIDE ADVICE AND RECOMMENDATIONS TO THE COUNCIL PURSUANT TO ITS FUNCTIONS AND DUTIES. THE ADVISORY BOARD SHALL CONSIST OF AT LEAST FIFTEEN MEMBERS INCLUDING, BUT NOT LIMITED TO, REPRESENTATIVES OF THE FOLLOWING: FARMERS AND FOOD PRODUCERS; ANTI-HUNGER ADVOCATES; GOVERNMENTAL AND NON-GOVERNMENTAL FOOD ASSISTANCE PROVIDERS OR ADVOCATES; COMMUNITY FOOD SECURITY PROGRAMS OR ADVOCATES; GOVERN-

MENTAL AND NON-GOVERNMENTAL NUTRITION PROGRAM MANAGERS; NUTRITIONISTS AND DIETITIANS; MEDICAL PROFESSIONALS; CONSUMERS OR CONSUMER ADVOCATES; FOOD RETAILERS; THE FOODSERVICE INDUSTRY; FOOD PROCESSORS; FOOD MANUFACTURERS; ENVIRONMENTALISTS; ACADEMIC FOOD POLICY EXPERTS ON: FOOD SECURITY, NUTRITION, AGRICULTURE, FOOD BUSINESSES AND FOOD SAFETY; AND WORKERS OR LABOR ORGANIZATIONS THAT REPRESENT WORKERS AFFECTED BY FOOD POLICY. THE GOVERNOR SHALL APPOINT AT LEAST NINE MEMBERS TO THE ADVISORY BOARD; TWO MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; TWO MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. THE GOVERNOR MAY ALSO APPOINT NON-VOTING, EX-OFFICIO MEMBERS TO THE ADVISORY BOARD INCLUDING, BUT NOT LIMITED TO, REPRESENTATIVES OF FEDERAL AGENCIES, SUCH AS THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND OTHER AGENCIES DEEMED APPROPRIATE. EACH MEMBER OF THE ADVISORY BOARD SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS OF THE ADVISORY BOARD, BUT EACH OF THEM SHALL BE ALLOWED THE NECESSARY AND ACTUAL EXPENSES WHICH HE OR SHE SHALL INCUR IN THE PERFORMANCE OF HIS OR HER DUTIES.

1. THE CHAIR OF THE COUNCIL SHALL APPOINT THE CHAIR OF THE ADVISORY BOARD AND, IN CONSULTATION WITH THE CHAIR OF THE ADVISORY BOARD, MAY ESTABLISH AT LEAST THREE COMMITTEES OF THE ADVISORY BOARD AS COUNTERPARTS TO COUNCIL COMMITTEES, INCLUDING: A COMMITTEE ON HUNGER AND FOOD INSECURITY ISSUES; A COMMITTEE ON NUTRITION AND HEALTH ISSUES; AND A COMMITTEE ON AGRICULTURAL AND FOOD INDUSTRY ISSUES. MEMBERS OF THE ADVISORY BOARD MAY SERVE ON MORE THAN ONE COMMITTEE. THE CHAIR OF THE COUNCIL MAY APPOINT NON-VOTING, EX-OFFICIO MEMBERS TO SERVE ON THE ADVISORY BOARD COMMITTEES, WHEN NECESSARY. ADVISORY BOARD MEMBERS MAY AUTHORIZE REPRESENTATIVES TO PARTICIPATE IN MEETINGS.

2. THE ADVISORY BOARD SHALL MEET AS FREQUENTLY AS BUSINESS MAY REQUIRE, BUT AT LEAST TWICE A YEAR; AT LEAST ONE MEETING MAY BE HELD JOINTLY WITH THE COUNCIL.

S 277. POWERS AND DUTIES OF THE COUNCIL AND BOARD. 1. TO FULFILL ITS PURPOSE AND GOALS, THE COUNCIL, IN COOPERATION WITH ITS ADVISORY BOARD, IS AUTHORIZED AND EMPOWERED TO, AMONG OTHER ACTIVITIES: COLLECT FOOD POLICY DATA AND INFORMATION; ASSESS AND ANALYZE THE FOOD POLICY AND PROGRAM NEEDS OF THE STATE; DISSEMINATE SUCH ASSESSMENT, ANALYSIS AND INFORMATION TO THE GOVERNOR, EXECUTIVE AGENCIES, THE LEGISLATURE AND THE PUBLIC; AND ADVISE AND ASSIST THE GOVERNOR, EXECUTIVE AGENCIES AND THE LEGISLATURE IN PLANNING, DEVELOPING, IMPLEMENTING AND COORDINATING POLICIES AND PROGRAMS TO ADDRESS THE FOOD POLICY NEEDS OF THE STATE.

2. THE COUNCIL, IN COOPERATION WITH ITS ADVISORY BOARD, MAY REVIEW AND PROVIDE ADVISORY COMMENTS ON FEDERAL, STATE AND LOCAL LEGISLATION, REGULATIONS, BUDGET PROPOSALS, SPENDING PLANS, PROGRAM OPERATIONS AND OTHER GOVERNMENTAL ACTIVITIES THAT AFFECT THE IMPLEMENTATION OF FOOD POLICY AND PROGRAMS.

3. THE COUNCIL SHALL, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE AND ANNUALLY THEREAFTER, PREPARE A REPORT TO BE DELIVERED TO THE GOVERNOR AND THE LEGISLATURE ON THE FOOD POLICY STATUS OF THE STATE INCLUDING, BUT NOT LIMITED TO: THE PREVALENCE OF HUNGER AND FOOD INSECURITY; THE NUTRITIONAL WELL-BEING OF VARIOUS POPULATION GROUPS INCLUDING, BUT NOT LIMITED TO, WOMEN AND MEN, AND DIFFERENT AGE, RACIAL AND ETHNIC

GROUPS; THE STATUS OF AGRICULTURE AND THE FOOD INDUSTRY; THE EFFECTIVENESS, MANAGEMENT AND COORDINATION OF FOOD, AGRICULTURE AND NUTRITION PROGRAMS; AND RECOMMENDATIONS OF STATE POLICIES, PROGRAMS AND ACTIONS TO MEET THE FOLLOWING GOALS:

A. THE SIGNIFICANT REDUCTION, AS DEFINED BY SPECIFIC NUMERICAL GOALS AND TIMETABLES, AND ULTIMATE PREVENTION OF HUNGER AND FOOD INSECURITY BY ASSURING THAT ALL CITIZENS OF THE STATE HAVE ACCESS TO HIGH QUALITY, SAFE, AFFORDABLE, CULTURALLY-APPROPRIATE AND NUTRITIOUS FOOD, FROM LOCAL FOOD PRODUCERS WHENEVER POSSIBLE, THROUGH ADEQUATE PURCHASING POWER, INCLUDING BENEFITS PROVIDED BY FOOD ASSISTANCE PROGRAMS, AND THE NECESSARY FACILITIES TO PREPARE FOOD;

B. THE ADOPTION, BY ALL NEW YORKERS, OF A DIET THAT PROMOTES GOOD HEALTH AND PREVENTS FOOD AND DIET-RELATED DISEASES THROUGHOUT THEIR LIFE SPANS, AND INCLUDES, WHENEVER POSSIBLE, LOCALLY-PRODUCED FOODS;

C. INCREASED CONSUMER AND BUSINESS DEMAND FOR NEW YORK FARM AND FOOD PRODUCTS;

D. A FLOURISHING AND PROFITABLE FOOD-PRODUCTION SYSTEM IN THE STATE, WHICH MAXIMIZES PRODUCTION OF NUTRITIOUS FOODS; PRESERVES AND PROTECTS OPEN SPACE AND THE ENVIRONMENT; AND PROVIDES SUFFICIENT INCOME FOR FARM FAMILIES AND WORKERS;

E. ECONOMIC VIABILITY FOR THE STATE'S FOOD PROCESSING, MARKETING, AND DISTRIBUTION INDUSTRIES THAT SUPPORT THE STATE'S FARMS AND FOOD BUSINESSES; AND

F. INCREASED EFFECTIVENESS OF AND COORDINATION AMONG FEDERAL, STATE AND LOCAL FOOD, FARM AND NUTRITION PROGRAMS.

4. THE COUNCIL AND THE ADVISORY BOARD SHALL HOLD STATEWIDE PUBLIC MEETINGS AS NECESSARY TO SOLICIT PUBLIC COMMENT ON THE ISSUES BEFORE THE COUNCIL.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed on and after December 31, 2018; provided, however, any appointments to the New York state council on food policy and the advisory board to such council pursuant to this act shall be made before such effective date.