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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, REILLY, SCHROEDER, MOLINARO, CASTRO, LUPARDO -- Multi-Sponsored by -- M. of A. CAHILL, CALHOUN, CROUCH, P. LOPEZ, MAGEE, TITUS -- 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 deci-
10 sion. 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, exclud-
17 ing 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

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

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1 conservation easement or possible transfer of the interest of such prop-
2 erty and the identification of potential recipients of any such conser-
3 vation easement;

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

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

8 (f) The board may consult with:

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

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

13 4. Board members; status. Notwithstanding any inconsistent provisions
14 of law, no officer or employee of the state, of any political subdivi-
15 sion of the state, of any governmental entity operating any public
16 school or college, or of any other public agency or instrumentality or
17 unit of government which exercises governmental powers under the laws of
18 the state shall forfeit such office or employment by reason of accept-
19 ance of appointment as a member of the board, nor shall service as such
20 member of the board be deemed incompatible or in conflict with such
21 office or employment. The members of the board shall be deemed employees
22 within the meaning of section 17 of the public officers law.

23 5. Board members; expenses. The members of the board shall serve with-
24 out salary or per diem allowance, but shall be entitled to reimbursement
25 for actual and necessary expenses incurred in the performance of offi-
26 cial duties pursuant to this section or other provision of law;
27 provided, however, that such members are not, at the time such expenses
28 are incurred, public employees otherwise entitled to such reimbursement.

29 6. Term of office. The members of the board shall serve from the date
30 of appointment until January 16, 2013.

31 7. Reporting. No later than January 15, 2013, the board shall submit
32 its recommendations to the governor, the temporary president of the
33 senate, the speaker of the assembly, the commissioner of agriculture and
34 markets, the commissioner of the department of environmental conserva-
35 tion, the chairs of the senate and the assembly committee on agricul-
36 ture, and the chairs of the senate and assembly committee on environ-
37 mental conservation.

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

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

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

45 3. providing economically profitable farm units. It may include adja-
46 cent pastures, wooded land, natural drainage areas and other adjacent
47 open areas.

48 S 3. This act shall take effect immediately and shall expire and be
49 deemed repealed January 16, 2013.