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

5041

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the agriculture and markets law, in relation to creating an advisory council on seafood policy

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

Section 1. The agriculture and markets law is amended by adding a new section 26-a to read as follows:

S 26-A. ADVISORY COUNCIL ON SEAFOOD POLICY. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT AN ADVISORY COUNCIL ON SEAFOOD POLICY TO ADVISE THE GOVERNOR, THE LEGISLATURE, THE DEPARTMENT, AND OTHER STATE AGENCIES ON THE FORMULATION AND COORDINATION OF POLICIES AFFECTING SEAFOOD, THE SEAFOOD INDUSTRY, AND CONSUMERS OF SEAFOOD. SUCH POLICIES SHALL INCLUDE THOSE AFFECTING THE HARVESTING, PRODUCTION, PROCESSING, RETAILING, PROMOTION, AND CONSUMPTION OF SEAFOOD AND SEAFOOD PRODUCTS. IN ADDITION, THE COUNCIL SHALL PROVIDE ADVICE AND INFORMATION ON THE IMPACT OF ADMINISTRATIVE REGULATIONS AND LEGISLATIVE INITIATIVES ON SEAFOOD, THE SEAFOOD INDUSTRY, AND CONSUMERS; AND MAKE RECOMMENDATIONS ON NECESSARY CHANGES TO RULES, REGULATIONS, AND LAWS AFFECTING SEAFOOD POLICY. THE COUNCIL SHALL ALSO DISSEMINATE INFORMATION ON STATE POLICIES AND PROGRAMS AFFECTING SEAFOOD TO INTERESTED INDIVIDUALS, COMMERCIAL ENTERPRISES, AND LOCAL GOVERNMENTS.

2. (A) (I) THE ADVISORY COUNCIL ON SEAFOOD POLICY SHALL CONSIST OF THIRTEEN MEMBERS APPOINTED AS FOLLOWS:

(A) SEVEN SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL BE DESIGNATED BY THE GOVERNOR AS THE CHAIRPERSON OF THE COUNCIL. THE CHAIRPERSON SHALL BE SOMEONE WHO HAS DEMONSTRATED A LONGSTANDING INTEREST, KNOWLEDGE AND EXPERIENCE IN THE SEAFOOD INDUSTRY;

(B) TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(C) TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(D) ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

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

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(E) ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; AND

(II) THE MEMBERS APPOINTED BY THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND MINORITY LEADERS OF THE SENATE AND ASSEMBLY SHALL BE REPRESENTATIVES OF HARVESTERS OF FINFISH AND SHELLFISH, WHOLESALERS OF FINFISH OR SHELLFISH, PROCESSORS, RETAILERS, LOBSTER FISHERS, SPORTS FISHERS, NEW YORK SEAFOOD COUNCIL, FULTON FISH MARKET AND SEAFOOD IMPORT/EXPORT BUSINESSES. NOT LESS THAN ONE SUCH MEMBER SHALL BE A MEMBER OF ORGANIZED LABOR, AS RECOGNIZED BY THE AMERICAN FEDERATION OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS.

(III) ALL APPOINTMENTS TO THE COUNCIL SHALL BE MADE ON OR BEFORE THE FIRST OF JANUARY NEXT SUCCEEDING THE EFFECTIVE DATE OF THIS SECTION.

(B) THREE OF THE GOVERNOR'S APPOINTEES SHALL SERVE AN INITIAL TERM OF TWO YEARS AND THREE OF THE GOVERNOR'S APPOINTEES SHALL SERVE AN INITIAL TERM OF THREE YEARS, AS THE GOVERNOR SHALL DESIGNATE. THE APPOINTEES OF THE TEMPORARY PRESIDENT OF THE SENATE AND THE APPOINTEES OF THE SPEAKER OF THE ASSEMBLY SHALL SERVE INITIAL TERMS OF THREE YEARS, AND THE APPOINTEE OF THE MINORITY LEADER OF THE SENATE AND THE APPOINTEE OF THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE INITIAL TERMS OF TWO YEARS. THE CHAIR SHALL SERVE AN INITIAL TERM OF FOUR YEARS.

THEREAFTER, ALL TERMS SHALL BE FOR A PERIOD OF FOUR YEARS. IN THE EVENT OF A VACANCY DUE TO DEATH, RESIGNATION, OR OTHERWISE, THE RESPECTIVE APPOINTING OFFICER SHALL APPOINT A SUCCESSOR WHO SHALL HOLD OFFICE FOR THE UNEXPIRED PORTION OF THE TERM.

(C) NO MEMBER SHALL RECEIVE A SALARY, BUT EACH SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES IN THE PERFORMANCE OF DUTIES PERFORMED PURSUANT TO THIS SECTION. IN ADDITION, REPRESENTATIVES OF THE FOLLOWING AGENCIES SHALL ATTEND AND PARTICIPATE IN ALL MEETINGS OF THE COUNCIL AND SHALL BE EX OFFICIO MEMBERS:

(I) THE DEPARTMENT;

(II) THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

(III) THE DEPARTMENT OF ECONOMIC DEVELOPMENT;

(IV) THE DEPARTMENT OF STATE;

(V) THE DEPARTMENT OF HEALTH; AND

(VI) THE NEW YORK STATE SEA GRANT INSTITUTE.

3. THE ADVISORY COUNCIL ON SEAFOOD POLICY SHALL MEET AT LEAST ONCE ANNUALLY. FURTHERMORE, AT LEAST ONE MEETING A YEAR OF THE COUNCIL SHALL BE HELD IN THE COUNTY OF SUFFOLK OR NASSAU AND SCHEDULED TO COINCIDE WITH MEETINGS AND CONFERENCES RELATING TO SEAFOOD POLICY.

4. THE DEPARTMENT AND THE AGENCIES REPRESENTED BY EX OFFICIO MEMBERS OF THE COUNCIL SHALL PROVIDE TO THE COUNCIL ANY AND ALL NECESSARY FACILITIES, RESOURCES, AND STAFF TO CARRY OUT THE PROVISIONS OF THIS SECTION.

5. THE ADVISORY COUNCIL ON SEAFOOD POLICY SHALL:

(A) IDENTIFY AND REVIEW SEAFOOD POLICY ISSUES AND PROGRAMS WHICH AFFECT SEAFOOD AND THE GROWTH, WELL-BEING, DEVELOPMENT, AND ECONOMIC STABILITY OF NEW YORK'S SEAFOOD INDUSTRY AND, AS APPROPRIATE, RECOMMEND THE ADOPTION OF NEW, OR THE MODIFICATION OF EXISTING POLICIES AND PROGRAMS;

(B) ADVISE AND ASSIST THE GOVERNOR, THE LEGISLATURE, AND STATE AGENCIES IN DEVELOPING AND IMPLEMENTING POLICIES AND PROGRAMS AFFECTING SEAFOOD AND THE SEAFOOD INDUSTRY; AND

(C) FACILITATE COMMUNICATION ON SEAFOOD POLICIES AND PROGRAMS BETWEEN THE VARIOUS SECTORS OF THE SEAFOOD INDUSTRY, STATE AND LOCAL AGENCIES, AND THE PUBLIC.

6. ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND ELEVEN AND ANNUALLY THEREAFTER, THE ADVISORY COUNCIL ON SEAFOOD POLICY SHALL REPORT ITS FINDINGS

AND RECOMMENDATIONS PURSUANT TO THIS SECTION TO THE COMMISSIONER, THE GOVERNOR, AND THE LEGISLATURE.

7. FOR THE PURPOSES OF THIS SECTION, "SEAFOOD" SHALL MEAN FINFISH, SHELLFISH, AND OTHER NATURAL, LIVING RESOURCES, FROM A MARINE OR FRESH-WATER ENVIRONMENT, THAT ARE COMMERCIALLY AVAILABLE AS FOOD.

S 2. This act shall take effect immediately.