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

3069

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the agriculture and markets law, in relation to the regulation of aquaculture; and to repeal section 11-1909 of the environmental conservation law relating to private trout and black bass hatcheries

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

Section 1. Section 11-1909 of the environmental conservation law is REPEALED.

S 2. Paragraph a of subdivision 1 of section 11-1319 of the environmental conservation law, as amended by chapter 193 of the laws of 1992, is amended to read as follows:

a. This section governs possession, transportation and sale of all fish taken in waters of the state, including the marine and coastal district except (1) trout and black bass raised under permit from the department and identified as provided in section [11-1909] ONE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, (2) fish taken from a farm fish pond licensed as provided in section 11-1911, and (3) fish taken from licensed fishing preserve waters as provided in section 11-1913.

S 3. Subdivision 1 of section 11-1501 of the environmental conservation law, as amended by chapter 193 of the laws of 1992, is amended to read as follows:

1. This title 15 of the Fish and Wildlife Law and regulations adopted pursuant hereto do not apply to (a) the taking of fish by angling as permitted in title 13; (b) the taking of fish or the use of nets in the marine and coastal district as defined in section 13-0103, or in a trout or black bass hatchery operated under permit from the department as provided in section [11-1909] ONE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW, or in a farm fish pond licensed as provided in section

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

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11-1911 or in a fishing preserve licensed as provided in section 11-1913; (c) the sale or taking for sale of bait fish named in section 11-1315.

S 4. The agriculture and markets law is amended by adding a new article 6 to read as follows:

ARTICLE 6

REGULATION OF AQUACULTURE

SECTION 100. LEGISLATIVE INTENT.
101. PRIVATE TROUT AND BLACK BASS HATCHERIES.
102. EXAMINATION OF REGULATORY POLICIES.
103. AQUACULTURE TASK FORCE.

S 100. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DECLARES THAT AQUACULTURE IS AMONG THE FASTEST GROWING SEGMENTS OF THE GLOBAL AGRICULTURE MARKETS, WITH NEW YORK'S FISH-FARMING INDUSTRY SUPPLYING FISH TO A VARIETY OF MARKETS, AND THAT THIS BODY SHOULD SEEK WAYS TO DEVELOP THE FISH-FARMING BUSINESS AS AN ALTERNATIVE CASH CROP FOR FARMS ACROSS THE STATE.

S 101. PRIVATE TROUT AND BLACK BASS HATCHERIES. 1. THE DEPARTMENT IN ITS DISCRETION MAY ISSUE TO ANY PERSON A HATCHERY PERMIT, VALID DURING THE CALENDAR YEAR OF ISSUE, TO PROPAGATE, RAISE AND SELL TROUT. THE DEPARTMENT SHALL ESTABLISH BY ORDER REGULATIONS GOVERNING THE IDENTIFICATION AND TRANSPORTATION OF TROUT RAISED UNDER SUCH A PERMIT, OTHER THAN BY INDIVIDUAL TAGGING, WHICH ARE OFFERED FOR SALE, SOLD OR TRANSPORTED.

2. THE DEPARTMENT IN ITS DISCRETION MAY ISSUE TO ANY PERSON A HATCHERY PERMIT, VALID DURING THE CALENDAR YEAR OF ISSUE, TO PROPAGATE, RAISE AND SELL BLACK BASS. THE DEPARTMENT SHALL ESTABLISH BY ORDER REGULATIONS GOVERNING THE IDENTIFICATION AND TRANSPORTATION OF BLACK BASS RAISED UNDER SUCH A PERMIT, OTHER THAN BY INDIVIDUAL TAGGING, WHICH ARE OFFERED FOR SALE, SOLD OR TRANSPORTED.

S 102. EXAMINATION OF REGULATORY POLICIES. IN ORDER TO ACHIEVE THE GOALS SET FORTH IN SECTION ONE HUNDRED OF THIS ARTICLE, THE STATE SHALL EXAMINE AVAILABLE REGULATORY AND POLICY CHANGES THAT WOULD IMPROVE THE PROFITABILITY OF AQUACULTURE IN NEW YORK AND ADOPT ONLY POLICIES THAT:

1. ALLOW FOR THE SALE OF LIVE FISH TO DOMESTIC MARKETS LEGALLY AND SAFELY;

2. ARE NOT OVERLY BURDENSOME TO THE OPERATOR OF AN AQUACULTURE FACILITY; AND

3. DO NOT REQUIRE INDIVIDUAL IDENTIFICATION OR TAGGING AS A METHOD OF TRACKING DOMESTICALLY-RAISED FISH.

S 103. AQUACULTURE TASK FORCE. 1. AN AQUACULTURE TASK FORCE IS HEREBY CREATED TO CONDUCT THE EXAMINATION DESCRIBED IN SECTION ONE HUNDRED TWO OF THIS ARTICLE AND DETERMINE THE VIABILITY OF ADOPTING A REGULATORY SYSTEM WITH PROMOTION AND PROTECTION OF THE AQUACULTURE INDUSTRY AS ITS GOAL FOR THE STATE.

2. THE TASK FORCE SHALL CONSIST OF TEN MEMBERS, EACH TO SERVE FOR A TERM OF TWO YEARS, TO BE APPOINTED AS FOLLOWS: ONE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE SENATE; ONE SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY; AND SIX SHALL BE APPOINTED BY THE GOVERNOR. THE APPOINTEES SHALL BE BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE STATE AND INCLUDE REPRESENTATIVES OF THE AQUACULTURE INDUSTRY, ETHNIC POPULATION AND LOCAL GOVERNMENT AND THE PUBLIC AT LARGE. NO MORE THAN FOUR APPOINTEES SHALL BE LEGISLATORS. COMMISSIONERS OF THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE EX-OFFICIO MEMBERS. THE GOVERNOR SHALL DESIGNATE THE

CHAIRMAN AND VICE CHAIRMAN FROM AMONG HIS APPOINTEES. VACANCIES IN THE MEMBERSHIP OF THE COMMISSION AND AMONG ITS OFFICERS SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS.

3. THE TASK FORCE MAY EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS IT MAY DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR COMPENSATION WITHIN THE AMOUNTS MADE AVAILABLE THEREFOR.

4. THE TASK FORCE MAY MEET WITHIN AND WITHOUT THE STATE AND SHALL HOLD PUBLIC HEARINGS, AND SHALL HAVE ALL THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THE LEGISLATIVE LAW.

5. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.

6. TO THE MAXIMUM EXTENT FEASIBLE, THE TASK FORCE SHALL BE ENTITLED TO REQUEST AND RECEIVE AND SHALL UTILIZE AND BE PROVIDED WITH SUCH FACILITIES, RESOURCES, AND DATA OF ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF AS IT MAY REASONABLY REQUEST TO CARRY OUT PROPERLY ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE.

7. THE APPOINTING AUTHORITIES SHALL APPOINT THE MEMBERS OF THE SUSTAINABLE DEVELOPMENT TASK FORCE ON OR BEFORE NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND THE TASK FORCE SHALL CONVENE ITS FIRST MEETING ON OR BEFORE SIXTY DAYS THEREAFTER.

8. THE TASK FORCE SHALL MAKE A PRELIMINARY REPORT TO THE GOVERNOR AND THE LEGISLATURE OF ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS BY APRIL FIRST OF THE CALENDAR YEAR NEXT SUCCEEDING THE CALENDAR YEAR IN WHICH THIS ARTICLE TOOK EFFECT AND A FINAL REPORT OF ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS NOT LATER THAN DECEMBER THIRTY-FIRST OF THE CALENDAR YEAR NEXT SUCCEEDING THE CALENDAR YEAR IN WHICH THIS ARTICLE TOOK EFFECT, AND SHALL SUBMIT WITH ITS REPORTS SUCH LEGISLATIVE PROPOSALS AS IT DEEMS NECESSARY TO IMPLEMENT ITS RECOMMENDATIONS.

S 5. This act shall take effect immediately.