STATE OF NEW YORK

6583

2021-2022 Regular Sessions

IN SENATE

May 7, 2021

Introduced by Sen. KAMINSKY -- 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, in relation to establishing a marine fisheries licensing task force; 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. Legislative Findings. New York state's commercial fishing industry is an important sector of the New York state economy. The New York state commercial fishing industry generates more than $40 million in revenue. New York state is fifth in the nation in terms of jobs and sales generated by the seafood industry.

The contribution of the commercial fishing industry to the state's economy has been hindered by an outdated and antiquated licensing procedure which has failed to address the current needs of the commercial fishing industry. The current law has been extended largely unchanged for decades. This statute is archaic and has worked to unnecessarily injure the commercial fishing in New York state. It has been a major culprit thwarting the growth of this vital part of the New York state economy.

The adverse impact has been recognized by the department of environmental conservation. In 2017, the department requested a 3 year extension of New York state's limited entry, commercial fishing licensing law. The legislature objected to the 3 year extension because of the adverse impact the law was having on the commercial fishing industry. The legislature recognized that action to reform the commercial fishing licensing statute needed to be taken with all deliberate speed. Consequently, only a 1 year extension was granted through 2018.

As part of the enactment of the 1 year extension, the department agreed to meet with the commercial fishing industry to discuss licensing

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

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reform. That meeting took place in the fall of 2017. At that time, the department agreed to undertake a review of the licensing law.

In spring 2018, a consultant was hired by the department to assist with the review. In the summer of 2018, public meetings were held with the commercial fishing industry throughout the marine district to get the industry's input on licensing reform. In 2019 with this report still pending, the state legislature agreed to extend the current law for 2 additional years through the end of 2020, to permit the completion of the department's report on licensing reform. In July 2019, the draft report was finally issued. In August, public meetings were conducted to present the report.

However, to date, no final report has been issued by the department. By chapter 58 of the laws of 2020, the current commercial fishing licensing statute was again extended for another year.

It is now imperative that after almost four years of review that legislative action be taken to reform and modernize the commercial fishing licensing law with the input of the commercial fishing industry. It is the purpose of this law to establish a task force from members of the industry under the department to finish this review and make recommendations to the legislature for enactment.

This act will utilize the work already accomplished regarding commercial fishing licensing and finalize recommendations for action by the legislature.

§ 2. The environmental conservation law is amended by adding a new section 13-0328-a to read as follows:

§ 13-0328-a. Marine fisheries licensing task force.

1. Creation of marine fisheries licensing task force. a. There is hereby created within the department a marine fisheries licensing task force to make recommendations for proposed laws and regulations for commercial licensing of the marine fisheries. Such task force shall be composed of thirteen members none of whom shall be employees of the department. Three council members representative of commercial users of marine resources shall be designated by the majority leader of the senate and three council members representative of commercial users of marine resources shall be designated by the speaker of the assembly. Six council members representative of commercial users of marine resources shall be designated by the governor. One member will be the director of the marine sciences research center at SUNY Stony Brook or the director's designee, who shall act as chair.

b. Of the members appointed, all shall be residents of a county which borders the marine and coastal district. The council shall be representative of individual and organized commercial shellfishing and finfishing interests in the state. Appointments to the task force shall be made no later than thirty days after the date on which this section shall have become a law. Persons designated or appointed to the advisory council shall have demonstrated a long-standing interest, knowledge and experience in commercial or recreational harvesting of marine resources.

2. Report. The task force shall make a report to the legislature and governor recommending legislative and regulatory reform of the commercial fishing licensing, no later than April 1, 2022. Such report shall include specific legislation and regulations, if necessary, to implement the report.

3. Meeting. The task force shall meet publicly a minimum of four times before adopting a report.

4. Issues. The task force shall consider, but shall not be limited to, the following issues in making its report:

a. establishment of goals for licensing reforms;
b. the definition of a commercial fisherman;
c. access to the marine fisheries;
d. the number of commercial licenses required to sustain the resource and the commercial fishing industry;
e. latent licenses, including the buyback of such licenses;
f. license qualifications;
g. license transfers;
h. license selection process;
i. new entrants to the marine fisheries;
j. medical waivers;
k. license fees;
l. apprenticeship programs; and
m. funding to implement licensing reforms.
5. State assistance. The commissioner shall make any and all documents readily available to the task force which the task force indicates are needed to properly and thoroughly carry out its responsibilities. The commissioner shall also make available to the task force such aid reasonably necessary to allow the task force to carry out its duties and responsibilities.

§ 3. Severability. If any provision of this act or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2022.