STATE OF NEW YORK

S. 5163 A. 5816

2021-2022 Regular Sessions

SENATE - ASSEMBLY

February 25, 2021

IN SENATE -- Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the preparation of an economic impact statement prior to the enactment of any rule or regulation affecting the commercial fishing industry and providing for periodic review of such rules or regulations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new section 13-0365 to read as follows:

§ 13-0365. Economic impact statements.

1. All rules and regulations affecting the commercial fishing industry, promulgated pursuant to this title, shall be subject to the provisions of this section.

2. Prior to the adoption of any proposed rule or regulation, the department shall prepare an economic impact statement that includes at least the following analysis:

(a) an identification and estimate of the number of the members of the commercial fishing industry affected by the proposed rule or regulation;

(b) the administrative costs to the commercial fishing industry required for compliance with the proposed rule or regulation;

(c) a statement of the probable economic effect of the rule or regulation on the commercial fishing industry, including but not limited to loss of income and jobs; and

(d) a discussion of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule or regulation, in

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

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order to mitigate adverse economic impact to the commercial fishing industry.

3. (a) Within two years of the effective date of this section, the department shall review all rules and regulations under this title existing at the time of enactment to determine whether such rules or regulations shall be continued without change, or should be amended or rescinded to minimize economic impact on the commercial fishing industry.

(b) Rules adopted after the effective date of this section shall be reviewed every two years after the publication of such rules as the final rule to ensure that they minimize economic impact on the commercial fishing industry in a manner consistent with the stated objectives of this title.

(c) In reviewing rules or regulations to minimize economic impact on the commercial fishing industry, the department shall consider the following factors:

(i) the need for the rule or regulation;

(ii) the nature of complaints or comments received concerning the rule or regulation from the commercial fishing industry;

(iii) the complexity of the rule; and

(iv) the degree to which economic conditions, or other factors have changed since the original enactment of the rule or regulation.

§ 2. This act shall take effect immediately.