

STATE OF NEW YORK

3595

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sen. HARCKHAM -- 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:

1 Section 1. Legislative Findings. New York state's commercial fishing
2 industry is an important sector of the New York state economy. The New
3 York state commercial fishing industry generates more than \$40 million
4 in revenue. New York state is fifth in the nation in terms of jobs and
5 sales generated by the seafood industry.

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7 economy has been hindered by an outdated and antiquated licensing proce-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

14 The adverse impact has been recognized by the department of environ-
15 mental conservation. In 2017, the department requested a 3 year exten-
16 sion of New York state's limited entry, commercial fishing licensing
17 law. The legislature objected to the 3 year extension because of the
18 adverse impact the law was having on the commercial fishing industry.
19 The legislature recognized that action to reform the commercial fishing
20 licensing statute needed to be taken with all deliberate speed. Conse-
21 quently, only a 1 year extension was granted through 2018.

22 As part of the enactment of the 1 year extension, the department
23 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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1 reform. That meeting took place in the fall of 2017. At that time, the
2 department agreed to undertake a review of the licensing law.

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

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

15 It is now imperative that after almost four years of review that
16 legislative action be taken to reform and modernize the commercial fish-
17 ing licensing law with the input of the commercial fishing industry. It
18 is the purpose of this law to establish a task force from members of the
19 industry under the department to finish this review and make recommenda-
20 tions to the legislature for enactment.

21 This act will utilize the work already accomplished regarding commer-
22 cial fishing licensing and finalize recommendations for action by the
23 legislature.

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

26 § 13-0328-a. Marine fisheries licensing task force.

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

40 b. Of the members appointed, all shall be residents of a county which
41 borders the marine and coastal district. The council shall be represen-
42 tative of individual and organized commercial shellfishing and finfish-
43 ing interests in the state. Appointments to the task force shall be made
44 no later than thirty days after the date on which this section shall
45 have become a law. Persons designated or appointed to the advisory coun-
46 cil shall have demonstrated a long-standing interest, knowledge and
47 experience in commercial or recreational harvesting of marine resources.

48 2. Report. The task force shall make a report to the legislature and
49 governor recommending legislative and regulatory reform of the commer-
50 cial fishing licensing, no later than April 1, 2024. Such report shall
51 include specific legislation and regulations, if necessary, to implement
52 the report.

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

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

1 a. establishment of goals for licensing reforms;
2 b. the definition of a commercial fisherman;
3 c. access to the marine fisheries;
4 d. the number of commercial licenses required to sustain the resource
5 and the commercial fishing industry;
6 e. latent licenses, including the buyback of such licenses;
7 f. license qualifications;
8 g. license transfers;
9 h. license selection process;
10 i. new entrants to the marine fisheries;
11 j. medical waivers;
12 k. license fees;
13 l. apprenticeship programs; and
14 m. funding to implement licensing reforms.

15 5. State assistance. The commissioner shall make any and all documents
16 readily available to the task force which the task force indicates are
17 needed to properly and thoroughly carry out its responsibilities. The
18 commissioner shall also make available to the task force such aid
19 reasonably necessary to allow the task force to carry out its duties and
20 responsibilities.

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

27 § 4. This act shall take effect immediately and shall expire and be
28 deemed repealed December 31, 2024.