§ 13-0350. Marine resources advisory council.

1. Legislative intent. The legislature hereby finds and declares that the finfish and shellfish industry in this state plays a vital part in the economy of the state in general and the Long Island region in particular.

By establishing the marine resources advisory council the legislature publicly declares its support for the further development and advancement of such industry; such council's mandate to monitor and review fishery management regulations, programs, allocations and expenditures of the department of environmental conservation for the care, management, protection and enlargement of finfish and shellfish will provide proper input from that segment of our populace most concerned with the impact this state's programs have on finfish and shellfish resources.

2. Creation of marine resources advisory council. (a) There is hereby created within the department a marine resources advisory council to review proposed regulations for management of marine fisheries and to make recommendations on plans, policies, and programs affecting marine resources as more specifically outlined below. Such council shall be composed of fifteen members appointed by the commissioner, none of whom shall be employees of the department. Two council members representative of recreational users of marine resources and two council members representative of commercial users of marine resources shall be designated by the majority leader of the senate and two members representative of recreational users of marine resources and two council members representative of commercial users of marine resources shall be designated by the speaker of the assembly. 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 chairman. 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 and recreational shellfishing and finfishing interests in the state. At no time shall there be less than seven members of the council who shall be representative of commercial

harvesters of marine resources nor shall there be less than seven members of the council who shall be representative of recreational users and harvesters of marine resources. Appointments to the advisory council shall be made no later than the first day of March next succeeding the date on which this section shall have become a law.

(b) 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.

3. Meetings of the council. The council shall meet at least quarterly.

4. Duties of the advisory council. The advisory council shall have the following powers and duties:

(a) To review the allocations and expenditures of the department for the care, management, protection and enlargement of marine resources and report to the commissioner by January first of each year. The commissioner shall, by February first of each year, submit such report, in its entirety, to the governor, the legislature and interested individuals and organizations. Such report shall include the findings of the advisory council regarding such allocations and expenditures, including expenditures and appropriations from the conservation fund and the extent to which such expenditures and appropriations are consistent with the requirements of state law.

(b) To make reports and release information from time to time as it deems necessary to commercial and recreational harvesters and users of marine resources and the general public regarding the marine resources program.

(c) To consult with commercial and recreational users of marine resources and make recommendations on program needs and on how such needs shall be met.

(d) To assist the department's efforts to expand the available sources of income for the marine resources account and advise the department with respect to the needs of those industries involved with the commercial and recreational harvesting of marine resources.

(e) To review proposed regulations pertaining to the conservation and management of marine fisheries, to consult with commercial and recreational users of such fisheries regarding such regulations, and to

make recommendations and comments to the department regarding the adoption and modification of such regulations consistent with the policy and principles set forth in section 13-0105 of this article.

5. Term of appointment. All members of the council shall serve terms of three years provided, however, that of the members first appointed, one-third shall be appointed for a term of three years, one-third shall be appointed for a term of two years, and one-third shall be appointed for a term of one year. An appointment to fill a vacancy shall be made for the remainder of the affected term in the same manner as the original appointment was made. Such appointment shall be made within sixty days of the date the position becomes vacant.

5-a. Term of appointment. The new members appointed pursuant to subdivision two of this section as amended by a chapter of the laws of 1994 entitled "AN ACT to amend the environmental conservation law, in relation to establishing the marine fisheries conservation and management policy, various other provisions relating to the management of marine resources and repealing paragraph d of subdivision 2 of section 11-1319 of such law relating to the sale of billfish" shall be appointed to terms as follows: the member appointed by the majority leader of the senate and the member appointed by the speaker of the assembly shall each be appointed to a term of three years; and of the two members appointed by the commissioner, one shall be appointed to a term of two years and the other shall be appointed to a term of one year.

6. State assistance. The commissioner shall make any and all documents readily available to the council which the council indicates are needed to properly and thoroughly carry out its responsibilities. The commissioner shall also make available to the council such aid reasonably necessary to allow the council to carry out its duties and responsibilities.