

Newly-filed (2016) Bills (NOTE: a number of regulatory authority “extenders” were introduced, passed and signed into law in 2015 after that year’s Council legislative review; this year, several more have been introduced)

A9218/S6678: Extends to 31 December 2018 the current requirement limiting the taking of sharks to the use of non-stainless steel non-offset circle hooks.

Memo:

BILL NUMBER: A9218/S6678

SPONSOR: Thiele

TITLE OF BILL:

An act to amend chapter 378 of the laws of 2014; amending the environmental conservation law, relating to the taking of sharks, in relation to the expiration thereof

PURPOSE OR GENERAL IDEA OF BILL:

To extend the provisions limiting the taking of sharks to the use of non-stainless steel non-offset circle hooks.

SUMMARY OF SPECIFIC PROVISIONS:

Section 2 of Chapter 378 of the Laws of 2014, amending the Environmental Conservation Law relating to the taking of sharks, is amended to extend the expiration date provision from December 31, 2016 to December 31, 2018.

JUSTIFICATION:

Several species of sharks are endangered and many more are threatened as populations worldwide are dwindling. Chapter 378 of the Laws of 2014 was enacted as a means of providing for the further protection of sharks by requiring the exclusive use of non-stainless steel non-offset circle hooks when taking a shark for commercial or recreational purposes. A circle hook is a fishing hook by which the point is turned perpendicular to the shank to form a circular shape. Scientific studies predict higher survival rates for released fish when circle hooks and catch-and-release techniques are used, as circle hooks are more likely to hook a fish in the mouth rather than the gut. Circle hooks are easier to remove than the typically used J hook, and can reduce the potential harm to fish. Non-stainless hooks further enhance survival rates as they dissolve in the digestive system, especially in large predator fish like sharks.

Evidence has shown that the fishing industry has been receptive and supportive the Chapter 378, however, the provisions are set to expire on December 31, 2016. This legislation is necessary to extend the sunset date until December 31, 2018 in order to continue the exclusive use of non-stainless steel non-offset circle hooks when taking a shark for commercial or recreational purposes, while at the same time, provide further statistics on the overall effectiveness on the shark population.

PRIOR LEGISLATIVE HISTORY:

New Legislation, 2016.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately and shall expire and be deemed repealed December 31, 2018.

Text:

STATE OF NEW YORK

S. 6678

A. 9218

SENATE - ASSEMBLY

February 4, 2016

IN SENATE -- Introduced by Sen. LAVALLE -- 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 chapter 378 of the laws of 2014; amending the environmental conservation law, relating to the taking of sharks, in relation to the expiration thereof

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

Section 1. Section 2 of chapter 378 of the laws of 2014, amending the environmental conservation law relating to the taking of sharks, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, ~~2016~~ **2018**.

§ 3. This act shall take effect immediately.

S07206: Extends DEC's regulatory authority to manage oysters through 31 December 2019.

Memo: No memo.

Text:

STATE OF NEW YORK

7206

IN SENATE

April 6, 2016

Introduced by Sen. MARCELLINO -- (at request of the Department of Environmental Conservation) -- 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 extending the authority of the department of environmental conservation to manage oysters

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

Section 1. Subdivision 3 of section 13-0323 of the environmental conservation law, as amended by chapter 171 of the laws of 2014, is amended to read as follows:

The department may, until December thirty-first, two thousand ~~sixteen~~ nineteen, fix by regulation measures for the management of oysters (Family Ostreidae) including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter.

§ 2. This act shall take effect immediately.

S07222: Extends DEC's regulatory authority to manage American lobster through 31 December 2019.

Memo: no memo

Text:

STATE OF NEW YORK

7222

IN SENATE

April 7, 2016

Introduced by Sen. O'MARA -- (at request of the Department of Environmental Conservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend chapter 305 of the laws of 2013 amending the environmental conservation law, relating to the management of American lobster, in relation to the effectiveness thereof

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

Section 1. Section 6 of chapter 305 of the laws of 2013, amending the environmental conservation law, relating to the management of American lobster, is amended to read as follows:

§ 6. This act shall take effect on the thirtieth day after it shall have become a law; provided that subdivision 17 of section 13-0329 of the environmental conservation law, as added by section two of this act, shall expire and be deemed repealed December 31, ~~2016~~ **2019**.

§ 2. This act shall take effect immediately.

S07223: Extends DEC's regulatory authority to manage clams through 31 December 2019.

Memo: no memo

Text:

STATE OF NEW YORK

7223

IN SENATE

April 7, 2016

Introduced by Sen. MARCELLINO -- (at request of the Department of Environmental Conservation) -
- 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 extending the authority of the department of environmental conservation to manage clams

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

Section 1. Subdivision 8 of section 13-0325 of the environmental conservation law, as amended by chapter 121 of the laws of 2014, is amended to read as follows:

8. The department may, until December ~~[31, 2016]~~ **thirty-first, two thousand nineteen**, adopt by regulation measures for the management of hard clams (*Mercenaria mercenaria*), soft or steamer clams (*Mya arenaria*), and razor clams (*Ensis* sp.), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter.

§ 2. This act shall take effect immediately.

S07263: Extends DEC's regulatory authority over weakfish through 31 December 2019

Memo: no memo

Text:

STATE OF NEW YORK

7263

IN SENATE

April 12, 2016

Introduced by Sen. MARTINS -- (at request of the Department of Environmental Conservation) -- 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 extending the authority of the department of environmental conservation to manage weakfish

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

Section 1. Section 13-0340-a of the environmental conservation law, as amended by chapter 161 of the laws of 2014, is amended to read as follows:

§ 13-0340-a. Weakfish (*Cynoscion regalis*). The department may, until December thirty-first, two thousand ~~sixteen~~ **nineteen**, fix by regulation measures for the management of weakfish (*Cynoscion regalis*), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

§ 2. This act shall take effect immediately.

S07308: Extends DEC's regulatory authority over bluefish through 31 December 2019

Memo: no memo

Text:

STATE OF NEW YORK

7308

IN SENATE

April 13, 2016

Introduced by Sen. BOYLE -- (at request of the Department of Environmental Conservation) -- 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 extending the authority of the department of environmental conservation to manage bluefish

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

Section 1. Section 13-0340 of the environmental conservation law, as amended by chapter 166 of the laws of 2014, is amended to read as follows:

§ 13-0340. Bluefish (*Pomatomus saltatrix*). The department may, until December thirty-first, two thousand ~~sixteen~~ **nineteen**, fix by regulation measures for the management of bluefish (*Pomatomus saltatrix*), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

§ 2. This act shall take effect immediately.

S07262: Extends DEC's regulatory authority over blackfish to 31 December 2019

Memo: no memo

Text:

STATE OF NEW YORK

7262

IN SENATE

April 12, 2016

Introduced by Sen. MARTINS -- (at request of the Department of Environmental Conservation) -- 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 extending the authority of the department of environmental conservation to manage blackfish

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

Section 1. Subdivision 1 of section 13-0340-d of the environmental conservation law, as amended by chapter 162 of the laws of 2014, is amended to read as follows:

1. The department may, until December thirty-first, two thousand ~~sixteen~~ nineteen, fix by regulation measures for the management of blackfish (*Tautoga onitis*), including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

§ 2. This act shall take effect immediately.

STATE OF NEW YORK

7186

IN SENATE

April 6, 2016

when Introduced by Sen. LAVALLE -- read twice and ordered printed, and printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

to proposing an amendment to article 1 of the constitution, in relation of validating certain grants of land and charters made by the king the Great Britain before October 14, 1775 and giving the legislature authority to enact laws to implement this section

1 Section 1. Resolved (if the Assembly concur), That article 1 of the 2 constitution be amended by adding a new section 15 to read as follows:

3 § 15. Nothing contained in this constitution shall affect any
4 grants of land within this state, before October 14, 1775, made by the king
5 of Great Britain or persons acting under his authority, or his
6 predecessors, or shall annul any charters to bodies politic and corporate.
7 The legislature shall have the authority to enact laws necessary and
8 proper to implement to provisions of this section.

9 § 2. Resolved (if the Assembly concur), That the following amendment 10 be referred to the first regular legislative session convening after the 11 next succeeding general election of members of the assembly, and, in 12 conformity with section 1 of article 19 of the constitution, be 13 published for 3 months previous to the time of such election.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[-] is old law to be omitted.

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**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7186

SPONSOR: LAVALLE

TITLE OF BILL: CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to article 1 of the constitution, in relation to validating certain grants of land and charters made by the king of Great Britain before October 14, 1775 and giving the legislature the authority to enact laws to implement this section

PURPOSE:

Relates to validating certain grants of lands and charters in the towns of Southampton, East Hampton and Southold.

SUMMARY OF PROVISIONS:

Section 1. Upon the concurrence of the Assembly and Senate, Article 1 of the Constitution be amended by adding a new section 15 to validate certain grants of land and charters made by the King of Great Britain before October 14, 1775 and giving the Legislature the authority to enact laws to implement this section.

Section 2. Upon concurrence by the Assembly and Senate, this amendment be referred to the first regular Legislative Session convening after the next succeeding general election of members, and, in conformity with section 1 of Article 19 of the Constitution, be published for 3 months previous to the time of such election.

JUSTIFICATION:

King James II of England by virtue of the Dongan Patent, established the Trustees of the Freeholders and Commonalty of the towns of Southampton, East Hampton and Southold in 1686 which instituted the first official governing bodies in these towns. The patent created the towns' Boards of Trustees and charged them with the stewardship of thousands of acres of undivided, colonial-era lands consisting mostly of shores, water ways,

marshes and bottomlands. The rights for the Trustees established pursuant to the Dongan Patent were affirmed in the first constitution of the State of New that was enacted in 1777.

The Trustees of the Freeholders and Commonalty of the towns of Southampton, East Hampton and Southold of Southampton are among the oldest governing bodies in North America. The towns' Trustees exist separately from Town Boards, which were created by the New York State Legislature under Constitutional authority in 1909.

In 1963, an amendment to the Constitution inadvertently repealed some of the provisions relating to colonial patents without the realization that colonial grants were still being administered by the Trustees of the town of Southampton, East Hampton and Southold. Over the years, this action has resulted in conflicting interpretations of the authority conferred to such town Trustees with respect to the rights of ownership and regulation over certain lands within the towns. This Constitutional amendment would restore and validate the rightful powers of the Trustees of Freeholders and Commonalty of the towns of Southampton, East Hampton and Southold by the Dongan Patent in 1686.

LEGISLATIVE HISTORY:

New legislation.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Upon concurrence by the Assembly and Senate, this amendment be referred to the first regular Legislative Session convening after the next succeeding general election of members, and, in conformity with section 1 of article 19 of the Constitution, be published for 3 months previous to the time of such election.

H. R. 3070

To clarify that for purposes of all Federal laws governing marine fisheries management, the landward boundary of the exclusive economic zone between areas south of Montauk, New York, and Point Judith, Rhode Island, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2015

Mr. ZELDIN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To clarify that for purposes of all Federal laws governing marine fisheries management, the landward boundary of the exclusive economic zone between areas south of Montauk, New York, and Point Judith, Rhode Island, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “EEZ Clarification Act”.

SEC. 2. LANDWARD BOUNDARY OF EEZ NEAR BLOCK ISLAND FOR PURPOSES OF FEDERAL MARINE FISHERIES MANAGEMENT.

For purposes of all Federal laws governing marine fisheries management—

(1) the landward boundary of the exclusive economic zone between the area south of Montauk, New York, and the area south of Point Judith, Rhode Island, shall be considered to be a continuous line running—

(A) from a point 3 miles south of the southernmost point of Montauk to a point 3 miles south of the southernmost point of Block Island, Rhode Island, and

(B) from such point 3 miles south of the southernmost point of Block Island, Rhode Island, to a point 3 miles south of the southern most point of Point Judith; and

(2) the authority to manage such fisheries in waters landward of such line is vested in States and interstate marine fisheries management commissions, as applicable, that otherwise have jurisdiction over such waters.

SEC. 3. REPORT ON IMPACT OF MODIFYING LANDWARD BOUNDARY OF EEZ FOR ALL FEDERAL FISHERIES MANAGEMENT.

Not later than 3 years after the date of the enactment of this Act, the Secretary of Commerce shall report to the Congress on the impact of section 2.

Congress.gov

Re-filed Bills, No Council Position

A7270/S5112: Prohibits those holding a marine and coastal district food fish landing license from landing blackfish or tautog taken from waters outside the marine and coastal district for commercial purposes.

Memo:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7270

SPONSOR: Thiele

TITLE OF BILL: An act to amend the environmental conservation law, in relation to blackfish or tautog

PURPOSE:

Prohibits those holding a marine and coastal district food fish landing license from landing blackfish or tautog taken from waters outside the marine and coastal district for commercial purposes.

SUMMARY OF PROVISIONS:

Amends subdivision 3 of Section 13-0335 of the Environmental Conservation Law to prohibit a person holding a marine and coastal district food fish landing license from landing blackfish or tautog taken from waters outside the marine and coastal district for commercial purposes.

JUSTIFICATION:

Under Section 13-0335 (3) of the Environmental Conservation Law, NYSDEC is authorized to issue a commercial food fish landing license to State residents and non-residents alike. The commercial food fish landing license was developed originally to allow large US trawlers that fish the federal waters of the East Coast to land their catch in New York. Holders of this license are allowed to land fish in New York for commercial sale that were harvested outside of State waters, either in the exclusive economic zone or in waters of another state. Aside for a minimum age requirement of 16, there are no eligibility requirements to receive a food fish license. In particular, there is no fishing income eligibility requirements for this license as there are for all other State-issued commercial fishing licenses in New York State.

With significant increases in demand and high dockside prices for live blackfish in ethnic markets, the incentive is high for those possessing a food fish landing license to go offshore and catch blackfish and return to New York to sell them. More so, these individuals are free to fish for blackfish outside of the

recreational open season in New York. This loophole is hurting the blackfish population and the commercial fishing industry.

LEGISLATIVE HISTORY:

2015: New Legislation

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

Immediately.

Text:

STATE OF NEW YORK

S. 5112

A. 7270

2015-2016 Regular Sessions

SENATE - ASSEMBLY

May 1, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- 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 blackfish or tautog

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

Section 1. Subdivision 3 of section 13-0335 of the environmental conservation law, as amended by chapter 263 of the laws of 1997, is amended to read as follows:

3. A person may land food fish, except as prohibited by this chapter **and except blackfish or tautog (tautoga onitis)**, taken from waters outside ~~[New York state boundaries]~~ **the marine and coastal district** for commercial purposes upon first obtaining a marine and coastal district food fish landing license. The fee for such marine and coastal district food fish landing license shall be five hundred dollars and shall cover all persons employed by the licensee while engaged in such employment of landing food fish.

§ 2. This act shall take effect immediately.

A07461: Amends the agriculture and markets law, in relation to labeling requirements for fish wholesalers

Memo:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7461

SPONSOR: Kim (MS)

TITLE OF BILL: An act to amend the agriculture and markets law, in relation to labeling requirements for fish wholesalers

PURPOSE OR GENERAL IDEA OF BILL:

This legislation would amend the agriculture and markets law to require that wholesalers of fish and/or seafood may only sell such fish or seafood that is in sealed and clearly labeled containers; and to require the labels to include 1) the identity of the commodity, 2) the weight of the commodity, 3) the name and address of the shipper, packer, or distributor, 4) the state and county of commodity origin, and 5) date of harvest.

SUMMARY OF PROVISIONS:

Section one would amend the agriculture and markets law by adding a new section 214-o, which would require that any wholesaler of fish and/or seafood may only sell edible or otherwise saleable fish or seafood for consumption purposes in sealed and clearly labeled containers. The labels must include the following: 1) the identity of the commodity, 2) the weight of the commodity, 3) the name and address of the shipper, packer, or distributor, 4) the state and county of commodity origin, and 5) date of harvest.

Section two provides that this act shall take effect immediately.

JUSTIFICATION:

Under the existing federal law, wholesalers of fish/seafood are required to attach labels that provide correct information of the weight, identity and origin of the fish/seafood offered for sale. In addition, federal law requires the label to contain the name and address of the shipper, packer, or distributor of the fish product.

While law exists to prevent mislabeling of fish and seafood, media reports and studies indicate that there is widespread non-compliance with existing federal statutes in labeling fish products. Various incidents have been reported at wholesale markets where wholesalers remove the original label affixed on fish containers only to replace them with a new label or handwritten note that provides inaccurate counts and net weights (short-weight), and misidentifies the name and origin of fish. These instances result in retailers

receiving less for their money, costing legitimate business sales, and reducing confidence in the seafood product purchased by both retailers and consumers.

This bill proposes to address the problem of weight deception, species substitution and improper labeling by enacting an explicit requirement that seafood must be accurately labeled at the wholesale level.

LEGISLATIVE HISTORY:

This is a new bill (2015).

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill takes effect immediately.

Text:

STATE OF NEW YORK

7461

2015-2016 Regular Sessions

IN ASSEMBLY

May 12, 2015

Introduced by M. of A. KIM, BRAUNSTEIN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to labeling requirements for fish wholesalers

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

Section 1. The agriculture and markets law is amended by adding a new section 214-o to read as follows:

§ 214-o. Labeling requirements for fish wholesalers. Any wholesaler of fish and/or seafood may only sell such fish or seafood that is edible or otherwise saleable for consumption purposes, in sealed, clearly labeled containers. The labels must include the following: 1. the identity of the commodity, 2. the weight of the commodity, 3. the name and address of the shipper, packer, or distributor, 4. the state and county of commodity origin, and 5. date of harvest.

§ 2. This act shall take effect immediately.

A07507: Establishes a State small business commercial fishing industry advocate within the Department of Economic Development and creates a small business commercial fishing economic development program. (vetoed by Governor in 2015)

Memo:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7507

SPONSOR: Thiele

TITLE OF BILL:

An act to amend the economic development law, in relation to the establishment of a state small business commercial fishing industry advocate and the creation of a small business commercial fishing economic development program to promote small businesses in the state's commercial fishing industry

PURPOSE OF BILL:

The purpose of this bill is to establish a State small business commercial fishing industry advocate within the Department of Economic Development and to create a small business commercial fishing economic development program to promote small businesses in the State's commercial fishing industry.

SUMMARY OF PROVISIONS:

Section one of the bill adds a new article 23 to the economic development law establishing the Small Business Commercial Fishing Industry Economic Development Program. Specifically, the bill:

- * Establishes the New York State Small Business Commercial Fishing Advocate within the Department of Economic Development. The Advocate would be authorized to advise the Commissioner on matters concerning small business commercial fishing and act as a liaison between the industry and the Commissioner. Additionally, the Advocate would be authorized to review current State policies and programs affecting the small business commercial fishing industry, promote the industry in marketing and economic programs in a manner that supports the long-term vitality of the industry in an environmentally sustainable manner;
- * Creates the Small Business Commercial Fishing Economic Development program to enhance and promote the small business commercial fishing industry, provide increased public awareness of these business and to provide for the long-term vitality of small businesses engaged in commercial fishing; and.
- * Authorizes the Advocate to work in cooperation with federal and State entities that regulate the small business commercial fishing industry in an effort further develop programs that promote the long-term viability of these small businesses.

PRIOR LEGISLATIVE HISTORY:

New 2015

STATEMENT IN SUPPORT:

The commercial fishing industry in New York State consists mainly of small or family businesses. Currently, there is no State department or office to turn to in helping to provide the assistance they need to promote their business and the overall fishing industry. For example, the Department of Environmental Conservation sets rules and regulations related to fishing seasons, sizes, quotas, and gear allowed. However, they do not provide technical, financial or other business related assistance to help maintain and grow individual businesses nor the entire industry. Establishing the New York State Small Business Commercial Fishing Advocate within the Department of Economic Development will help promote the commercial fishing industry, serving as a voice at the table in the regulatory environment, and helping to develop new State campaigns to promote all aspects of the fishing industry, from the catch to the processing, packing, distribution and purchasing of one of our States most valuable resources.

FISCAL IMPLICATIONS:

Undetermined.

EFFECTIVE DATE:

Immediately.

Text:

STATE OF NEW YORK

7507

2015-2016 Regular Sessions

IN ASSEMBLY

May 13, 2015

Introduced by M. of A. THIELE -- read once and referred to the Committee on Small Business

AN ACT to amend the economic development law, in relation to the establishment of a state small business commercial fishing industry advocate and the creation of a small business commercial fishing economic development program to promote small businesses in the state's commercial fishing industry

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

Section 1. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

SMALL BUSINESS COMMERCIAL FISHING INDUSTRY ECONOMIC DEVELOPMENT PROGRAM

Section 450. Legislative findings and intent.

451. Definitions.

452. New York state small business commercial fishing advocate established.

453. Powers of the advocate.

454. Small business commercial fishing economic development program created.

455. Reports.

456. Assistance of other state agencies.

457. Functions, powers and duties of other departments and state agencies.

§ 450. Legislative findings and intent. The legislature finds and determines:

1. that the state's commercial fishing industry consists of hundreds of small family-owned businesses across the state that collectively play a key role in the continuing economic growth and vitality of the state;

2. that the commercial fishing industry presents economic development opportunities that could promote growth thereby enhancing the well-being of these small business employers and employees in fish processing, retail markets, restaurants, and other commercial fishing-related businesses, as well as promoting the economic well-being of fishing families throughout the state through job creation and job retention;

3. that the commercial fishing industry needs assistance to promote the interests of the small businesses in this industry and to help navigate the federal and state regulatory requirements that oversee the industry; and

4. that the state small business commercial fishing industry will be enhanced by the establishment of an economic development program for the small business commercial fishing industry that promotes long-term health and abundance of fisheries resources and habitats.

§ 451. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "State small business commercial fishing advocate" shall mean the state small business commercial fishing advocate established pursuant to this article.

2. "Program" shall mean the commercial fishing economic development program established pursuant to this article.

3. "Small business commercial fishing industry" shall mean those businesses, as defined in section one hundred thirty-one of this chapter involved in the harvesting, marketing, research, processing of fish or shellfish or providing essential inputs for or services to such small businesses and shall include job training and public information programs associated with such products. For the purposes of this section, the small business commercial fishing industry shall focus primarily on family-owned and -operated businesses.

§ 452. New York State small business commercial fishing advocate established. There is hereby established in the department, the state small business commercial fishing advocate to represent the interests of the small business commercial fishing industry. The small business commercial fishing advocate shall possess knowledge and experience in matters affecting the small business commercial fishing industry, including the importance of marine fisheries management and conservation roles in the long-term vitality of the industry, and shall be responsible for exercising all the powers granted by this article, including advising the commissioner on matters relating to the small business commercial fishing industry, including the direction, control, and operation of the small business commercial fishing economic development program.

§ 453. Powers of the advocate. 1. The advocate shall advise the commissioner on matters concerning small business commercial fishing and serve as liaison between the state's small business commercial fishing industry and the commissioner with respect to the design and implementation of the state's policies and programs relating to commercial fishing in a manner that supports the long-term health and abundance of fisheries resources and management.

2. In addition, the advocate shall have the following powers:

(a) To identify and review commercial fishing-related issues and current state policies and programs which affect the small business commercial fishing industry in the state;

(b) To advise the department in its promotion and development of alternative uses for small business commercial fishing vessels, such as tourism and other uses and services in the state;

(c) To advise the department in the development and implementation of the state's marketing and business development program for the small business commercial fishing industry, including long-range strategies for promoting the industry in an economically sustainable and environmentally sound manner that supports long-term vitality of the industry;

(d) To advise the department, the governor and the legislature concerning recommended legislation necessary to foster and promote the long-term vitality and development of the small business commercial fishing industry within the state;

(e) To advise the department, the governor and the legislature concerning existing laws, rules, and regulations related to the long-term vitality and development of the small business commercial fishing industry within the state;

(f) To promote the development of inter-governmental cooperation among agencies of the federal, state and local governments and foster cooperation between private industry and government so as to assure the long-term vitality of the small business commercial fishing industry;

(g) To assist the department in obtaining information necessary for the development and improvement of state policies and programs affecting the small business commercial fishing industry in the state;

(h) To administer the economic development program created pursuant to section four hundred fifty-four of this article; and,

3. The department shall provide necessary technical and staff assistance to the state small business commercial fishing advocate.

§ 454. Small business commercial fishing economic development program created. There is hereby created a small business commercial fishing economic development program under the jurisdiction of the department and administered by the advocate, the purpose of which shall be to target and promote:

1. marine resources development in ways which are economically sustainable, environmentally sound, and promote the long-term health of fisheries resources and habitat;

2. public awareness and understanding of the economic, cultural and environmental importance of New York's small business commercial fishing industry;

3. the development, retention, diversification and long-term vitality of the small business commercial fishing resources industry in ways that will enhance related efforts of federal, state and local agencies, commissions, committees, associations, trade groups and manufacturers;

4. electronic and other information shared related to the small business commercial fishing industry;

5. the development of financing mechanisms for the establishment, retention, diversification and long-term vitality of the small business commercial fishing industry;

6. increased consumer awareness of the small business commercial fishing industry, its products and services. Further, to act as a liaison between consumers, industry, state and federal agencies, and other stakeholders;

7. demonstration projects which would improve business profitability and long-term sustainability; and,

8. the review of any regulatory barriers which may impede the development, retention, diversification or long-term vitality of the small business commercial fishing industry.

§ 455. Reports. The advocate shall make an annual report on or before July first, two thousand sixteen and each year thereafter to the governor, the department, and the legislature

setting forth the activities undertaken by the advocate. Such report shall be available to the public free of charge on a publicly available website.

§ 456. Assistance of other state agencies. To effectuate the purposes of this article, the advocate may request and shall be entitled to receive from any state agency, and the same are authorized to provide such assistance, service, facilities and data as will enable the advocate to carry out the functions, powers and duties provided by this article. The advocate may enter into cooperative agreements with other government offices to efficiently carry out its work.

§ 457. Functions, powers and duties of other departments and state agencies. Nothing contained in this article shall be deemed to detract in any way from the functions, powers or duties prescribed by law of any department of the state or to interrupt or preclude the direct relationship of any such department or agency with other agencies, individuals or corporations for the carrying out of its functions, powers and duties.

§ 2. Severability. If any provision of this act or the application there of 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 the judgment shall have been rendered.

§ 3. This act shall take effect immediately.

A7523/S5557: Provides a safe harbor exemption for commercial fishing vessels lawfully operating under the fishing permits of another state in certain emergency situations.

Memo:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7523

SPONSOR: Thiele

TITLE OF BILL:

An act to amend the environmental conservation law, in relation to providing a safe harbor exemption to commercial fishing vessels in certain emergency situations

PURPOSE:

To provide a safe harbor exemption to commercial fishing vessels in certain emergency situations.

SUMMARY OF PROVISIONS:

Section 1. Section 71-0907 of the Environmental Conservation Law is amended by adding a new subdivision 8 to provide a safe harbor exemption for commercial fishing vessels lawfully operating under the fishing permits of another state in certain emergency situations.

Section 2. Severability Clause

Section 3. Immediate effective date

JUSTIFICATION:

In January 2015, a New York State resident operating a fishing vessel with valid New Jersey commercial fishing permits was charged with illegally landing nearly 10 times the amount of fluke allowed under NYS regulations when his boat returned to Shinnecock from a fishing trip on route to New Jersey when severe weather became imminent. The criminal charges were eventually dismissed in court because there was no State statute which clearly defined when the practice of "safe harbor" could allow commercial fishing boats operating under another state's fishing rules to land their fish in New York. This legislation is necessary to make clear instances when out-of-state commercial fishing vessels can land in New York ports without the fear of criminal charges or fines and requires proper notification from the fishing vessel.

LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

Immediately.

Text:

STATE OF NEW YORK

S. 5557

A. 7523

2015-2016 Regular Sessions

SENATE - ASSEMBLY

May 14, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- 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 providing a safe harbor exemption to commercial fishing vessels in certain emergency situations

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

Section 1. Section 71-0907 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any provision of law to the contrary, where a commercial fishing vessel fishing, lawfully operating under the fishing permits of another state: a. encounters or is forecasted to encounter severe or extreme weather conditions, or b. experiences mechanical failure, compromised hull integrity, pump failures, or is in danger of sinking, or c. experiences injury or life threatening illness to a member of the crew, or d. encounters any other emergency situation, said commercial fishing vessel may land their fish at a New York port and shall not be in violation of state rules and landing limits of New York. The fishing vessel shall make every effort to notify both the permitting state and the department as soon as danger is known and communication signals allow. The commercial fishing vessel shall also make every effort to

provide the permitting state and the department with details on the intended landing location, estimated time of arrival, and quantities and types of fish species to be landed.

§ 2. Severability. The provisions of this act shall be severable and if any portion thereof or the applicability thereof to any person or circumstances shall be held invalid, the remainder of this act and the application thereof shall not be affected thereby.

22 § 3. This act shall take effect immediately.

A1893/S1590: Allows spears, spearguns and underwater guns in the commercial and recreational harvesting of striped bass

Previous Discussion (2014): Mr. Wise recalled that originally there were two bills concerning spearguns; one authorized the use of this equipment to catch a wide variety of fish and then there was this bill that specified "striped bass."

Mr. Renaldo said one of the problems with last year's bills was that the definition of the word spear. The definition is now the same in both Senate and the resubmitted Assembly bill (A5179B).

Mr. Gilmore said the core problem he hopes one of the State legislators will take on is to match up definitions of spear gun in Articles 11 and 13 of the Environmental Conservation Law. The definitions in the two articles differ from one another and create ambiguity. Until the contradictions are removed, the problem will not go away.

Mr. Witek still has a problem with allowing commercial spearfishing, in particular the ability to determine the exact size of the fish underwater. He doesn't believe anyone can determine the size of a fish within an inch of an approved size limit.

Mr. Wise said we could work with the legislation to help correct the ambiguity. The Council agreed with this.

Captain Joe Anginopsky, who is a recreational fisherman but works with commercial fishermen, stated that you're talking about a slot size limit of 24-36 inches. If you are an experienced diver, the size limit is not that difficult to figure out even under water. With spear guns, there is no discard, no underwater gear left behind nor any damage to the environment. He thinks the current prohibition on use of spear guns is very discriminatory especially in light of the by-catch mortality associated with other commercial fishing gear.

Mr. Wise advised Captain Anginopsky to write to the sponsors and help them reduce the ambiguity in the bill. Paul Risi thinks there is a fair balance between what they do and what a gill netter does and hook and line fishermen. He, too, doesn't believe there is much waste. Mr. Davi also agrees. Mr. Renaldo said you could always make a tighter slot size so the chances of falling out that size are minimal.

Mr. Jordan said we could consider changing the commercial slot size, raise the lower limit and eliminate the upper slot size limit.

A06225: Amends the Environmental Conservation Law in relation to the definition of "immediate family" as applied to the transfer of commercial fishing licenses.

Previous Discussion (2014): This legislation would remove from current law the requirement that immediate family members eligible to receive a commercial fishing license by pre-designated of the license-holder must be domiciled with the license-holder.

Mr. Wise questioned whether this new bill would broaden or narrow the range of individual eligible for license transfer by pre-designation? Mr. Gilmore said it would expand it. The current law stipulates that the immediate family member to receive a license via pre-designation must be domiciled within the house

of the person currently holding the license. This bill would remove the shared-residence requirement and a New York-licensed commercial fishermen could designate that, upon his/her death, the license would be transferred to a son living in Rhode Island, for example. The only concern here is that this may be creating a loop hole whereby people can then pretend to be a relation. Mr. Gilmore also clarified that the word domiciled is very specific in its meaning. You may have more than one residence but you can be domiciled in only one residence.

Councilor Jordan questioned whether the proposed language would include blood marriage or the word adoption? He doesn't want to sneak in any additional language to confuse matters.

Mr. Wise thought that the language used in the commercial license transferability itself identified what immediate family meant in that context. Councilor Witek said the qualifier in this bill is "immediate" and not the word "family".

Mr. Davi thought originally it meant a New York State resident; that you had to be a resident in the same state the license was held. He also worries about a person who has worked side by side with the license holder – why shouldn't he be allowed to transfer it to that person?

Councilor Risi believes that the only change in this bill is to take out the word "domiciled." Mr. Wise agreed, he said that currently if you are a son but are not domiciled in the same residence, you would not be eligible to receive the license. The newer version would amend that.

Mr. Risi said the question is basically, "Do we want to make it that a commercial fisherman can hand the license down to a designated person or should the license go back into the pool and be reissued?" Mr. Jordan said this is a post-mortem transaction. The person has to die first and then the family should have options. Mr. Wise said the Council's original position on this was premised on a desire to help out someone who received a license, they were immediate family who wanted to take over the business. Mr. Danielson said that the Council originally stipulated "immediate family member" so it has already been decided. Mr. Davi said he doesn't have a problem with a nephew/niece who wants to take over the business; what if that nephew worked alongside the uncle for many years, it's only fair. Councilor Renaldo said we just need to decide who the blood relative is and that should be our only point of discussion. Charlie Witek said it seems like we're discussing what immediate family is referring to. You have family and you have immediate family – two separate things. The question is, should the license be limited to immediate family only (son/daughter) or do we want to put this in a much larger group just because they are part of the extended family.

Mr. Jordan said that we are not looking to expand this whether we keep it immediate family or just family. If there is no other immediate family that wants it, they can put it in an immediate family person's name and a day later, that person can sell it for \$1.00 for a one-time sale provision.

Mr. Risi said that dying might be a loophole but doesn't think people would do it to take advantage.

Mr. Jordan questioned when the state receives a pre-designation on a license, does it ask for the relationship to the holder of the license on the form? Deborah Barnes said yes. When the wording was put together, it was very broad but it does recognize that immediate family does have its limitations. The way this bill is now written, anyone related by blood, marriage and adoption could apply. The true intent was for the license to be passed down to an immediate family member who would carry on the traditions of commercial fishing. It was then amended because many families do not want to carry on their family's traditions so it was changed that you could designate it to a family member and before that person takes ownership, they can do a one-time only transfer. The rules begin all over again – the new person gets to designate a family member should they pass on and so on and so on, the cycle repeats. Mr. Jordan said

the original intent was meant to help a widow who needs to sell all the fishing gear to stay afloat financially. Ms. Dearborn said the wording refers to immediate family *OR* those domiciled in the household? Ms. Barnes said it did – should the fisherman have a son-in-law who resides in his house, the son-in-law would be eligible because he is domiciled in the house.

Mr. Gilmore said he would like the wording to say “New York residents only” as well. He would like to make sure the license stays in New York. The Council concurred. So, the general agreement was that this bill should be revised to say “domiciled in **New York State**.”

Comments from public:

John Mihale says licenses aren’t going where they are supposed to. They are not ending up with people who are already in the fishing business. This needs to be looked at closely. People are just buying licenses now and that is wrong. Councilor Davi did not see this as a problem.

August Ruckdeschel likes the expansiveness of transferring the license to more people. He worries about changing the law and then perhaps the Department’s own interpretation may be different so the law wouldn’t be handled in the way in which it was intended. We could be opening a can of worms.

Reed Reemer said if the interpretation changes and someone opposes it, it can be taken to court where the judges can decide.

A2298A/S02178A: Prohibits the taking of striped bass during the period January 15 to April 15.

Previous Discussion (2014): Mr. Danielson said for point of clarification – this simply puts into law what is already a regulation. Mr. Renaldo recalls this was more for the commercial fishery in light of Hurricane Sandy; it gave the fishermen two extra weeks to fish. He doesn't think we need to continue to do this especially with the striped bass stock in the condition it is in. Mr. Gilmore said this will be brought up at the May ASMFC meeting. He believes there will be reductions in allowable catch levels for striped bass. He's not sure of the particulars just that there will be a reduction.

Mr. German said the period of December 15 – January 1st is a very lucrative time for the commercial fisherman because they can get a better price fishing through the holiday season and there are a large number of striped bass available at that time.

Re-filed Bills, Council Supports

A00404: Authorizes the creation of the New York state quality seafood certification program; create a reliable method to identify and certify commercial food fish and shellfish; provides that participation in such program shall be voluntary.

Previous Discussion (2015): The intention of this bill is to create a voluntary program that enables consumers to be able to clearly identify one fish from another when making a retail purchase. Councilor Davi said that some fish have many names and wonders who will have the final say as to what to label the fish. Councilor Chris Squeri doesn't think the Council should take a position on this because he believes it's a consumer affairs issue. Councilor Bob Danielson thinks this would be a way to help the public because some stores purposely mislead people, this will help to protect the consumer. Councilor Tom Jordan thinks it's a good idea and sees it as a voluntary program that should not affect a fisherman per se. Councilor Paul Farnham thinks this is a great idea, we should be educating the consumer. This will give the fish a trail from the minute it's caught. Mr. Davi just doesn't want to have to purchase new tags for the fish, it should be done at the expense of the fisherman. Mr. Jordan reminded him that this is a *voluntary* program.

Motion: Councilor Jordan made a motion to *support* this bill. Councilor Farnham seconded. All in favor -6, Opposed -1, Abstentions -3. Motion carries.

A01231: Relates to the misbranding of escolar or oilfish as tuna, albacore tuna or white tuna.

Previous Discussion (2015): Discussion: Mr. Jordan is very much in favor of this bill. Escolare is a fish that contains high levels of wax which could have very serious health repercussions to people who are ignorant of the fact. Years ago this ingredient was used as a laxative for patients in nursing homes, however, it has since been banned.

Motion: Councilor Squeri made a motion to *support* this bill. Councilor Paradiso seconded. All in favor -9, Opposed -0, Abstentions -1. Motion carries.

A03039/S2109: Clarifies replacement rights of owners of commercial fishing vessels.

A00151: Provides motor fuel tax exemption for sales of diesel motor fuel used in vessels used directly in a business providing sport fishing opportunities for hire to the general public from the tax on petroleum businesses and from sales and compensating use taxes.

Refiled Bills, Council Opposes

A04261/S2930: Directs the attorney general to bring legal actions against the National Marine Fisheries Services or any other federal or state agency challenging existing inequitable fishing quotas that discriminate against New York state commercial fishermen.

Previous Discussion (2015): The operative language is “The State attorney general is hereby directed to commence any and all legal actions against the National Marine Fisheries Services and any other federal or interstate agency necessary to overturn said fishing quotas as arbitrary, capricious and discriminatory against residents of the State of New York. This act shall take effect immediately.” Mr. Wise said that this would apply to quotas that are determined to be discriminatory or arbitrary but the question is - who will make this determination? Mr. Danielson said if it’s only focusing on the commercial sector then it’s only doing half the job. It should be for both commercial and recreational sectors. Mr. Wise said even if it does cover both, it directs the Attorney General to file suit based on *some finding by somebody*. Councilor Witek sees fault in the fact that you are directing one branch of government directing another branch. He’s not even sure they would have the authority to take this action. Mr. Jordan does not even like the language of the bill, it’s written poorly. One of the sponsors Assemblyman Murray is not even in office anymore.

Motion: Councilor Jordan made a motion to oppose this bill. Councilor Witek seconded. All in favor – 5, Opposed -0, Abstentions-5. Motion passes.

A05623: Authorizes the DEC to waive the income eligibility requirement set forth in the environmental conservation law and to issue a commercial food fishing license to retired Navy First Class Petty Officer Kevin Lynch.

Previous Discussion (2015): This would direct the Department to grant a commercial food fish license to an individual who doesn’t meet the income eligibility qualification currently in statute. Mr. Danielson appreciates this individual’s military service but believes circumventing the standard process for one individual would be setting a bad precedent and be very unfair to the people who have been waiting patiently for years to receive the same license.

Motion: Mr. Danielson made a motion to oppose this bill. Mr. Jordan seconded. All in favor -10 (unanimous). Motion carries.

A05402: Prohibits party boats within seven hundred fifty feet of the shore of Sheepshead Bay or within one hundred feet of Sheepshead Bay Dock; restricts noise, does not apply to fishing boats.

Previous Discussion (2015): Mr. Witek believes this to be a zoning issue for New York; it has nothing to do with marine resources and feels we should leave this alone. Mr. Squeri feels this is referring to “party” boats not party fishing boats, more along the lines of dinner cruises where a party is onboard or a booze cruise. Some felt a revision to the language would make this bill work while others felt it should just be opposed and left alone. Mr. Arnold Leo doesn’t see a need because the wording of the bill clearly states that this shall NOT apply to fishing vessels. Mr. Jordan worries because this bill is specific to the area mentioned (Sheepshead Bay) so will we need to create more and more bills for other areas as well?

Motion: Mr. Squeri made a motion to oppose this bill but recommend a revision that would specify the actual kind of boat and activity taking place. Mr. Paradiso seconded. After more discussion where it was decided that this should just be dropped entirely, **Mr. Squeri amended his motion to oppose this bill (without any recommendation). All in favor 10 – abstention – 1 (Councilor Renaldo arrived, making the total number of voters 11). Motion passes.**

A06317/S4440: Establishes the commercial fisheries accessibility task force.

Previous Discussion (2015): Councilor Jordan believes that this bill is another attempt to create a voting body that will circumvent the decisions made by the Marine Resources Advisory Council, its subcommittees and the Department. He views this as dangerous because he doesn’t believe it will be made up with members that have the history and knowledge of the fisheries to make decisions on entry and he worries that they will be working with their own agenda that will undermine this council. Mr. Wise said that there is a provision that the members would be both recreational and commercial, however, the balance would really come from the commercial side. Also, there is a finite life span, it will only be in effect for 2 years.

Mr. Gilmore said the background on this bill is that because the Inspector General’s Report wasn’t being released in a timely manner, Assemblyman Thiele introduced this legislation. What’s surprising to Mr. Wise is that this was written by someone who seems completely ignorant of this Council’s existence, considering the many exchanges between the Council and Mr. Thiele, this comes as a very sobering fact.

Mr. Arnold Leo said what he finds most disturbing is the fact that the “task” given to the task force is to increase accessibility for the commercial fishery, however, it is being comprised of both fisheries, recreational and commercial. This will not work, he thinks this is a bad idea and would urge the Council oppose this.

Motion: Councilor Jordan made a motion to oppose this bill. Councilor Witek seconded. All in favor – 10, Opposed-0, Abstentions -1. Motion passes.

S04521: Exempts veterans from certain eligibility requirements associated with the State commercial food fish license

Previous Discussion (2015): Mr. Danielson spoke against this bill. Once again he believes we are trying to circumvent the system and once again, this is not fair to folks who are waiting patiently in line. Mr. Davi agrees, he continued that he would have no problem with veterans receiving a discount on the cost but it’s important the system remain fair and open to everyone meeting the requirements.

Motion: Mr. Danielson made a motion to *oppose* this bill. Seconded by Mr. Davi. All in favor – 10, Opposed -0, Abstentions -1. Motion passes.

A06719: Directs the Department of Environmental Conservation to grant Robert Zickmund, Sr. a license to fish conch

A04320: Provides for aquaculture and shellfish regulation, transferring authority over shellfish aquaculture from DEC to the State Department of Agriculture and Markets.

A00152/S00331: Eliminates provisions of law that require the payment and subsequent refund of the ten cent diesel excise tax and sales tax on diesel motor fuel when sold to operators of commercial fishing vessels for use in the operation of such vessels.

A6308: Imposes a 5-year harvest moratorium on horseshoe crabs except those harvested for medicinal or research purposes.

A06929: Changes the income requirement for the State commercial foodfish license to 50% of total earned income over three consecutive years or \$10,000 over three consecutive years from fishing; applies this same criteria to issuance of special commercial striped bass harvest permit.

A06314: Establishes a marine life protection task force within DEC and charges it to conduct a comprehensive assessment of the needs to protect marine life in New York's Marine District and the adequacy of current laws and regulations to provide this protection.

A06302: Makes changes in the definition of the habitat protection zone for Long Island Sound, expanding to the east the no-trawl zone in the Sound.

A06306: Authorizes the taking of surf clams or ocean quahogs by mechanical means from the Atlantic Ocean for commercial purposes.

A00026: provides that DEC will provide technical support to municipalities who wish to strengthen their tidal wetlands protective measure but do not have the wherewithal to do so.

A06926: Establishes a tax credit for commercial fishing equipment.