

7245

I N S E N A T E

March 25, 2010

Introduced by Sen. LAVALLE -- 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 marine and coastal district party and charter boat licenses; 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. Subdivision 5 of section 13-0328 of the environmental
2 conservation law, as amended by chapter 366 of the laws of 2007, is
3 amended to read as follows:
- 4 5. Marine and coastal district party and charter boat licenses. Marine
5 and coastal district party and charter boat licenses provided for by
6 section 13-0336 of this title shall be issued as follows, except that
7 this subdivision shall not apply to the owner or operator of a party
8 boat or charter boat whose vessel is classified by the United States
9 Coast Guard as an Inspected Passenger Vessel and which is licensed to
10 carry more than six passengers:
- 11 a. for the years two thousand eight through two thousand [eleven] TEN,
12 the annual number of marine and coastal district party and charter boat
13 licenses issued shall not exceed the number issued in two thousand seven
14 by more than one hundred licenses.
- 15 b. FOR THE YEAR TWO THOUSAND ELEVEN, THERE SHALL BE NO LIMIT ON THE
16 ANNUAL NUMBER OF MARINE AND COASTAL DISTRICT PARTY AND CHARTER BOAT
17 LICENSES TO BE ISSUED.
- 18 C. FOR THE YEARS AFTER TWO THOUSAND ELEVEN, THE TOTAL ANNUAL NUMBER OF
19 MARINE AND COASTAL DISTRICT PARTY AND CHARTER BOAT LICENSES ISSUED SHALL
20 NOT EXCEED THE TOTAL NUMBER ISSUED IN TWO THOUSAND ELEVEN.
- 21 D. for the years [two thousand eight through] AFTER two thousand elev-
22 en, persons who were issued a marine and coastal district party and
23 charter boat license in the previous year shall be eligible to be issued
24 such license.
- 25 [c.] E. for the years [two thousand eight through] AFTER two thousand
26 eleven, the department shall issue marine and coastal district party and
27 charter boat licenses to persons who were not issued such license in the

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

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1 previous year, provided that the total number of such licenses issued to
2 such persons does not exceed the difference between the annual limit
3 established in paragraph [a] C of this subdivision and the number of
4 such licenses issued in the previous year pursuant to paragraph [b] D of
5 this subdivision, subject to the following:

6 (i) licenses shall be issued in the order in which the applications
7 were received;

8 (ii) licenses shall be issued only to persons who hold an Uninspected
9 Passenger Vessel license issued by the United States Coast Guard.

10 F. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE DEPARTMENT MAY
11 PERMIT REISSUANCE OF A LICENSE TO A MEMBER OF THE IMMEDIATE FAMILY OF
12 THE PRIOR HOLDER OF SUCH LICENSE; PROVIDED THAT THE INDIVIDUAL TO WHOM
13 THE LICENSE OR PERMIT IS BEING REISSUED IS AT LEAST SIXTEEN YEARS OF
14 AGE. THE DEPARTMENT MAY PERMIT A LICENSE HOLDER TO DESIGNATE IN WRITING
15 A MEMBER OF HIS OR HER IMMEDIATE FAMILY TO WHOM THE LICENSE SHALL BE
16 REISSUED IN THE EVENT THAT THE LICENSE OR PERMIT HOLDER DIES PRIOR TO
17 SURRENDERING HIS OR HER LICENSE TO THE DEPARTMENT. IN THE EVENT THAT A
18 DESIGNATED IMMEDIATE FAMILY MEMBER DOES NOT WISH TO ENGAGE IN THE
19 COMMERCIAL FISHING ACTIVITIES AUTHORIZED BY SUCH LICENSE, THE DEPARTMENT
20 MAY PERMIT SUCH PERSON TO IDENTIFY AN ALTERNATE PERSON TO WHOM THE
21 LICENSE OR PERMIT SHALL BE REISSUED. THE DEPARTMENT IS AUTHORIZED TO
22 ADOPT REGULATIONS CONCERNING THE REISSUANCE OF LICENSES PURSUANT TO THIS
23 SUBDIVISION. THE HOLDER OF A REISSUED LICENSE SHALL ENGAGE IN THE ACTIV-
24 ITY AUTHORIZED BY THE LICENSE WITHIN THREE YEARS OF THE REISSUANCE DATE.
25 IF THE LICENSE OR PERMIT HOLDER FAILS TO ENGAGE IN SUCH ACTIVITY DURING
26 THE THREE YEARS FOLLOWING REISSUANCE, THE LICENSE SHALL LAPSE AT THE END
27 OF THE THREE YEAR PERIOD AND SHALL NOT BE RENEWED UNLESS THE DEPARTMENT,
28 IN ITS DISCRETION, DETERMINES THAT THE LICENSE HOLDER'S INACTIVITY WAS
29 JUSTIFIED BY SIGNIFICANT HARDSHIP OR UNAVOIDABLE CIRCUMSTANCES.

30 S 2. This act shall take effect immediately and shall remain in full
31 force and effect until December 31, 2015, when upon such date the
32 provisions of this act shall expire and be deemed repealed.