S T A T E O F N E W Y O R K

8063

2011-2012 Regular Sessions

I N A S S E M B L Y

May 27, 2011

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

AN ACT to amend the environmental conservation law, in relation to the issuance of full quota share striped bass commercial permits and commercial food fish licenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 11-0303 of the environmental conservation law, as amended by chapter 150 of the laws of 2007, is amended to read as follows:

3. The department may, until December thirty-first, two thousand [eleven] FIFTEEN, fix by regulation measures for the management of striped bass, 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, record-keeping 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. S 1800 et seq.). ANY AND ALL RULES AND REGULATIONS OF THE DEPARTMENT RELATING TO INCOME QUALIFICATIONS FOR THE ISSUANCE OF A FULL QUOTA SHARE STRIPED BASS COMMERCIAL PERMIT SHALL REQUIRE A PERSON TO DEMONSTRATE IN A MANNER ACCEPTABLE TO THE DEPARTMENT THAT SUCH PERSON RECEIVED AN AVERAGE OF AT LEAST TEN THOUSAND DOLLARS OR MORE THAN FIFTY PERCENT OF HIS OR HER ANNUAL EARNED INCOME OVER THREE CONSECUTIVE YEARS FROM THE HARVEST OF MARINE FISH, SHELLFISH, CRUSTACEANS OR OTHER MARINE BIOTA.

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

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S 2. Subparagraph (iv) of paragraph d of subdivision 1 of section 13-0328 of the environmental conservation law, as amended by chapter 366 of the laws of 2007, is amended to read as follows:

(iv) licenses shall be issued only to persons who demonstrate in a manner acceptable to the department that they received an average of at least [fifteen] TEN thousand dollars of income over three consecutive years from commercial fishing or fishing, or who successfully complete a commercial food fish apprenticeship pursuant to subdivision seven of this section. As used in this subparagraph, "commercial fishing" means the taking and sale of marine resources including fish, shellfish, crustacea or other marine biota and "fishing" means commercial fishing and carrying fishing passengers for hire. Individuals who wish to qualify based on income from "fishing" must hold a valid marine and coastal district party and charter boat license. No more than ten percent of the licenses issued each year based on income eligibility pursuant to this paragraph shall be issued to applicants who qualify based solely upon income derived from operation of or employment by a party or charter boat.

S 3. Any and all rules and regulations of the department of environmental conservation, relating to income qualifications for the issuance of a full quota share striped bass commercial permit or commercial food fish license, which is not consistent with the provisions of subdivision 3 of section 11-0303, as amended by section one of this act, or subparagraph (iv) of paragraph d of subdivision 1 of section 13-0328 of the environmental conservation law, as amended by section two of this act, shall be null and void.

S 4. This act shall take effect immediately.