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

S. 2641 A. 3732

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2011

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 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:

Section 1. Subdivision 5 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:

5. Marine and coastal district party and charter boat licenses. Marine and coastal district party and charter boat licenses provided for by section 13-0336 of this title shall be issued as follows, except that this subdivision shall not apply to the owner or operator of a party boat or charter boat whose vessel is classified by the United States Coast Guard as an Inspected Passenger Vessel and which is licensed to carry more than six passengers:

a. for the years two thousand eight through two thousand eleven, the annual number of marine and coastal district party and charter boat licenses issued shall not exceed the number issued in two thousand seven by more than one hundred licenses.

b. FOR THE YEAR TWO THOUSAND TWELVE, THERE SHALL BE NO LIMIT ON THE ANNUAL NUMBER OF MARINE AND COASTAL DISTRICT PARTY AND CHARTER BOAT LICENSES TO BE ISSUED.

C. FOR THE YEARS AFTER TWO THOUSAND TWELVE, THE TOTAL ANNUAL NUMBER OF MARINE AND COASTAL DISTRICT PARTY AND CHARTER BOAT LICENSES ISSUED SHALL NOT EXCEED THE TOTAL NUMBER ISSUED IN TWO THOUSAND TWELVE.

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

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D. for the years [two thousand eight through] AFTER two thousand eleven, persons who were issued a marine and coastal district party and charter boat license in the previous year shall be eligible to be issued such license.

[c.] E. for the years [two thousand eight through] AFTER two thousand eleven, the department shall issue marine and coastal district party and charter boat licenses to persons who were not issued such license in the previous year, provided that the total number of such licenses issued to such persons does not exceed the difference between the annual limit established in paragraph [a] C of this subdivision and the number of such licenses issued in the previous year pursuant to paragraph [b] D of this subdivision, subject to the following:

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

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

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

S 2. This act shall take effect immediately and shall remain in full force and effect until December 31, 2016, when upon such date the provisions of this act shall expire and be deemed repealed.