

5138--A

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I N S E N A T E

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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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to commercial fishing licenses

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

1 Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 13-0328 of the
2 environmental conservation law, as amended by chapter 383 of the laws of
3 2011, are amended to read as follows:
4 1. Commercial food fish licenses. Commercial food fish licenses
5 provided for by section 13-0335 of this title shall be issued as
6 follows:
7 a. for the period beginning January first, two thousand [twelve]
8 SIXTEEN through December thirty-first, two thousand [fifteen] NINETEEN,
9 the number of resident commercial food fish licenses and the number of
10 non-resident commercial food fish licenses shall not exceed the follow-
11 ing annual limits:
12 (i) for two thousand [twelve] SIXTEEN, the number of licenses shall be
13 limited to the number of licenses issued in two thousand [eleven]
14 FIFTEEN, plus fifty percent of any difference between the number of
15 licenses issued in two thousand [eleven] FIFTEEN and one thousand
16 [fifty-three] FOUR; AND
17 (ii) for two thousand [thirteen] SEVENTEEN, the number of licenses
18 shall be limited to the number of licenses issued in two thousand
19 [twelve] SIXTEEN, plus fifty percent of any difference between the
20 number of licenses issued in two thousand [twelve] SIXTEEN and the limit
21 established in subparagraph (i) of this paragraph[;

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

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1 (iii) for two thousand fourteen, the number of licenses shall be
2 limited to the number of licenses issued in two thousand thirteen, plus
3 fifty percent of any difference between the number of licenses issued in
4 two thousand thirteen and the limit established in subparagraph (ii) of
5 this paragraph;

6 (iv) for two thousand fifteen, the number of licenses shall be limited
7 to the number of licenses issued in two thousand fourteen, plus fifty
8 percent of any difference between the number of licenses issued in two
9 thousand fourteen and the limit established in subparagraph (iii) of
10 this paragraph].

11 b. for the period beginning January first, two thousand [twelve]
12 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
13 persons who were issued a commercial food fish license in the previous
14 year shall be eligible to be issued such license.

15 c. for the period beginning January first, two thousand [twelve]
16 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
17 the department shall issue commercial food fish licenses to persons who
18 were not issued such license in the previous year provided that the
19 total number of such licenses issued to such persons does not exceed the
20 difference between the number of licenses established in paragraph a of
21 this subdivision and the number of such licenses issued pursuant to
22 paragraph b of this subdivision, subject to the following:

23 (i) licenses shall be issued in the order in which the applications
24 were received, except that where multiple applications are received by
25 the department on the same day, applicants for whom the department has
26 received notice of successful completion of an apprenticeship pursuant
27 to subdivision seven of this section shall be considered by the depart-
28 ment prior to other applicants;

29 (ii) licenses may be issued to individuals only;

30 (iii) licenses shall be issued to applicants who are sixteen years of
31 age or older at the time of the application; and

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

47 2. Commercial lobster permits. Commercial lobster permits provided for
48 by section 13-0329 of this title shall be issued as follows:

49 for the period beginning January first, two thousand [twelve] SIXTEEN,
50 through December thirty-first, two thousand [fifteen] SEVENTEEN, only
51 persons who were issued a commercial lobster permit in the previous year
52 shall be eligible to be issued such permit.

53 3. Commercial crab permits. Commercial crab permits provided for by
54 section 13-0331 of this title shall be issued as follows:

55 a. for the period beginning January first, two thousand [twelve]
56 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,

1 the number of resident commercial crab permits and the number of non-re-
2 sident commercial crab permits shall not exceed the following annual
3 limits:

4 (i) for two thousand [twelve] SIXTEEN, the number of permits shall be
5 limited to the number of permits issued in two thousand [eleven]
6 FIFTEEN, plus fifty percent of any difference between the number of
7 permits issued in two thousand [eleven] FIFTEEN and [six hundred
8 sixteen] FIVE HUNDRED EIGHTY-TWO; AND

9 (ii) for two thousand [thirteen] SEVENTEEN, the number of permits
10 shall be limited to the number of permits issued in two thousand
11 [twelve] SIXTEEN, plus fifty percent of any difference between the
12 number of permits issued in two thousand [twelve] SIXTEEN and the limit
13 established in subparagraph (i) of this paragraph[;]

14 (iii) for two thousand fourteen, the number of permits shall be limit-
15 ed to the number of permits issued in two thousand thirteen, plus fifty
16 percent of any difference between the number of permits issued in two
17 thousand thirteen and the limit established in subparagraph (ii) of this
18 paragraph;

19 (iv) for two thousand fifteen, the number of permits shall be limited
20 to the number of permits issued in two thousand fourteen, plus fifty
21 percent of any difference between the number of permits issued in two
22 thousand fourteen and the limit established in subparagraph (iii) of
23 this paragraph].

24 b. for the period beginning January first, two thousand [twelve]
25 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
26 persons who were issued a commercial crab permit in the previous year
27 shall be eligible to be issued such permit.

28 c. for the period beginning January first, two thousand [twelve]
29 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
30 the department shall issue commercial crab permits to persons who were
31 not issued such permit in the previous year provided that the total
32 number of such permits issued to such persons does not exceed the
33 difference between the number of permits established in paragraph a of
34 this subdivision and the number of such permits issued pursuant to para-
35 graph b of this subdivision, subject to the following:

36 (i) permits shall be issued in the order in which the applications
37 were received, except that where multiple applications are received by
38 the department on the same day, applicants for whom the department has
39 received notice of successful completion of an apprenticeship pursuant
40 to subdivision seven of this section shall be considered by the depart-
41 ment prior to other applicants;

42 (ii) permits may be issued to individuals only;

43 (iii) permits shall be issued to applicants who are sixteen years of
44 age or older at the time of the application; and

45 (iv) permits shall be issued only to persons who demonstrate in a
46 manner acceptable to the department that they received an average of at
47 least fifteen thousand dollars of income over three consecutive years
48 from commercial fishing or fishing, or who successfully complete an
49 apprenticeship pursuant to subdivision seven of this section. As used in
50 this subparagraph, "commercial fishing" means the taking and sale of
51 marine resources including fish, shellfish, crustacea or other marine
52 biota and "fishing" means commercial fishing and carrying fishing
53 passengers for hire. Individuals who wish to qualify based on income
54 from "fishing" must hold a valid marine and coastal district party and
55 charter boat license. No more than ten percent of the permits issued
56 each year based on income eligibility pursuant to this paragraph shall

1 be issued to applicants who qualify based upon income derived from oper-
2 ation of or employment by a party or charter boat.

3 4. Commercial whelk or conch licenses. Commercial whelk or conch
4 licenses provided for by section 13-0330 of this title shall be issued
5 as follows:

6 a. for the period beginning January first, two thousand [twelve]
7 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
8 the number of resident commercial whelk or conch licenses and the number
9 of non-resident commercial whelk or conch licenses shall not exceed the
10 following annual limits:

11 (i) for two thousand [twelve] SIXTEEN, the number of licenses shall be
12 limited to the number of licenses issued in two thousand [eleven]
13 FIFTEEN plus fifty percent of any difference between the number of
14 licenses issued in two thousand [eleven] FIFTEEN and two hundred [seven-
15 ty-one] SIXTY-ONE; AND

16 (ii) for two thousand [thirteen] SEVENTEEN, the number of licenses
17 shall be limited to the number of licenses issued in two thousand
18 [twelve] SIXTEEN, plus fifty percent of any difference between the
19 number of licenses issued in two thousand [twelve] SIXTEEN and the limit
20 established in subparagraph (i) of this paragraph[;

21 (iii) for two thousand fourteen, the number of licenses shall be
22 limited to the number of licenses issued in two thousand thirteen, plus
23 fifty percent of any difference between the number of licenses issued in
24 two thousand thirteen and the limit established in subparagraph (ii) of
25 this paragraph;

26 (iv) for two thousand fifteen, the number of licenses shall be limited
27 to the number of licenses issued in two thousand fourteen, plus fifty
28 percent of any difference between the number of licenses issued in two
29 thousand fourteen and the limit established in subparagraph (iii) of
30 this paragraph].

31 b. for the period beginning January first, two thousand [twelve]
32 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
33 persons who were issued a commercial whelk or conch license in the
34 previous year shall be eligible to be issued such license.

35 c. for the period beginning January first, two thousand [twelve]
36 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
37 persons who were not issued a commercial whelk or conch license in the
38 previous year shall be eligible to be issued such license provided that
39 the total number of such licenses issued to such persons shall not
40 exceed the difference between the number of licenses established in
41 paragraph a of this subdivision and the number of such licenses issued
42 pursuant to paragraph b of this subdivision, subject to the following:

43 (i) licenses shall be issued in the order in which the applications
44 were received, except that where multiple applications are received by
45 the department on the same day, applicants for whom the department has
46 received notice of successful completion of an apprenticeship pursuant
47 to subdivision seven of this section shall be considered by the depart-
48 ment prior to other applicants;

49 (ii) licenses may be issued to individuals only;

50 (iii) licenses shall be issued to applicants who are sixteen years of
51 age or older at the time of the application; and

52 (iv) licenses shall be issued only to persons who demonstrate in a
53 manner acceptable to the department that they received an average of at
54 least fifteen thousand dollars of income over three consecutive years
55 from commercial fishing or fishing, or who successfully complete an
56 apprenticeship pursuant to subdivision seven of this section. As used in

1 this subparagraph, "commercial fishing" means the taking and sale of
2 marine resources including fish, shellfish, crustacea or other marine
3 biota and "fishing" means commercial fishing and carrying fishing
4 passengers for hire. Individuals who wish to qualify based on income
5 from "fishing" must hold a valid marine and coastal district party and
6 charter boat license. No more than ten percent of the licenses issued
7 each year pursuant to this paragraph shall be issued to applicants who
8 qualify based upon income derived from operation of or employment by a
9 party or charter boat.

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

17 a. for the years two thousand [eight] SIXTEEN through two thousand
18 [fifteen] SEVENTEEN, the annual number of marine and coastal district
19 party and charter boat licenses issued shall not exceed five hundred
20 seventeen.

21 b. for the years two thousand [eight] SIXTEEN through two thousand
22 [fifteen] SEVENTEEN, persons who were issued a marine and coastal
23 district party and charter boat license in the previous year shall be
24 eligible to be issued such license.

25 c. for the years two thousand [eight] SIXTEEN through two thousand
26 [fifteen] SEVENTEEN, the department shall issue marine and coastal
27 district party and charter boat licenses to persons who were not issued
28 such license in the previous year, provided that the total number of
29 licenses issued does not exceed five hundred seventeen, subject to the
30 following:

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

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

35 S 2. This act shall take effect December 31, 2015; provided, however,
36 that effective immediately, the addition, amendment and/or repeal of any
37 rule or regulation necessary for the implementation of this act on its
38 effective date is authorized and directed to be made and completed on or
39 before such effective date.