

5138--B

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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 -- again 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] SEVENTEEN,
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

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

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1 number of licenses issued in two thousand [twelve] SIXTEEN and the limit
2 established in subparagraph (i) of this paragraph[;

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

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

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

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

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

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

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

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

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

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

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

1 a. for the period beginning January first, two thousand [twelve]
2 SIXTEEN through December thirty-first, two thousand [fifteen] SEVENTEEN,
3 the number of resident commercial crab permits and the number of non-re-
4 sident commercial crab permits shall not exceed the following annual
5 limits:

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

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

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

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

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

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

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

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

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

47 (iv) permits shall be issued only to persons who demonstrate in a
48 manner acceptable to the department that they received an average of at
49 least fifteen thousand dollars of income over three consecutive years
50 from commercial fishing or fishing, or who successfully complete an
51 apprenticeship pursuant to subdivision seven of this section. As used in
52 this subparagraph, "commercial fishing" means the taking and sale of
53 marine resources including fish, shellfish, crustacea or other marine
54 biota and "fishing" means commercial fishing and carrying fishing
55 passengers for hire. Individuals who wish to qualify based on income
56 from "fishing" must hold a valid marine and coastal district party and

1 charter boat license. No more than ten percent of the permits issued
2 each year based on income eligibility pursuant to this paragraph shall
3 be issued to applicants who qualify based upon income derived from oper-
4 ation of or employment by a party or charter boat.

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

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

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

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

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

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

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

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

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

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

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

54 (iv) licenses shall be issued only to persons who demonstrate in a
55 manner acceptable to the department that they received an average of at
56 least fifteen thousand dollars of income over three consecutive years

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

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

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

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

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

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

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

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