

STATE OF NEW YORK

678

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. MARTINEZ -- 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 certain commercial food fish licenses, commercial crab permits, commercial whelk or conch licenses, marine and coastal district party and charter boat licenses and certain temporary authorizations for certain licenses and permits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph c of subdivision 1, subpara-
2 graph (i) of paragraph c of subdivision 3, subparagraph (i) of paragraph
3 c of subdivision 4 and subparagraph (i) of paragraph c of subdivision 5
4 of section 13-0328 of the environmental conservation law, as amended by
5 chapter 306 of the laws of 2023, are amended and a new subdivision 8 is
6 added to read as follows:

7 (i) [~~licenses shall be issued in the order in which the applications~~
8 ~~were received, except that where multiple applications are received by~~
9 ~~the department on the same day,~~] where the total number of commercial
10 food fish license applications from persons who were not issued such
11 license in the previous year exceeds the number of licenses that are
12 available, the department shall randomly select recipients of the avail-
13 able licenses from among those applications received by the first busi-
14 ness day of the applicable license year, provided however that appli-
15 cants shall receive one extra entry for each previous year that they
16 applied for such license and were not selected, and applicants for whom
17 the department has received notice of successful completion of an
18 apprenticeship pursuant to subdivision seven of this section shall [~~be~~
19 ~~considered by the department prior to other applicants~~] receive one
20 extra entry, and provided further that the department is authorized to

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

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1 adopt regulations to amend or supplement this process for issuing
2 commercial food fish licenses;

3 (i) [~~permits shall be issued in the order in which the applications~~
4 ~~were received, except that where multiple applications are received by~~
5 ~~the department on the same day,~~] where the total number of commercial
6 crab permit applications from persons who were not issued such permit in
7 the previous year exceeds the number of permits that are available, the
8 department shall randomly select recipients of the available permits
9 from among those applications received by the first business day of the
10 applicable permit year, provided however that applicants shall receive
11 one extra entry for each previous year that they applied for such permit
12 and were not selected, and applicants for whom the department has
13 received notice of successful completion of an apprenticeship pursuant
14 to subdivision seven of this section shall [be considered by the depart-
15 ~~ment prior to other applicants] receive one extra entry, and provided~~
16 further that the department is authorized to adopt regulations to amend
17 or supplement this process for issuing commercial crab permits;

18 (i) [~~licenses shall be issued in the order in which the applications~~
19 ~~were received, except that where multiple applications are received by~~
20 ~~the department on the same day,~~] where the total number of commercial
21 whelk or conch permit applications from persons who were not issued such
22 permit in the previous year exceeds the number of permits that are
23 available, the department shall randomly select recipients of the avail-
24 able permits from among those applications received by the first busi-
25 ness day of the applicable permit year, provided however that applicants
26 shall receive one extra entry for each previous year that they applied
27 for such permit and were not selected, and applicants for whom the
28 department has received notice of successful completion of an appren-
29 ticeship pursuant to subdivision seven of this section shall [be consid-
30 ~~ered by the department prior to other applicants] receive one extra~~
31 entry, and provided further that the department is authorized to adopt
32 regulations to amend or supplement this process for issuing commercial
33 whelk or conch permits;

34 (i) [~~licenses shall be issued in the order in which the applications~~
35 ~~were received]~~ where the total number of marine and coastal district
36 party and charter boat license applications from persons who were not
37 issued such license in the previous year exceeds the number of licenses
38 that are available, the department shall randomly select recipients of
39 the available licenses from among those applications received by the
40 first business day of the applicable license year, provided however that
41 applicants shall receive one extra entry for each previous year that
42 they applied and were not selected, and provided further that the
43 department is authorized to adopt regulations to amend or supplement
44 this process for issuing marine and coastal district party and charter
45 boat licenses;

46 8. Temporary authorization. In the event of a temporary emergency, a
47 licensee or permittee may provide written authorization for a person to
48 temporarily undertake any licensed activities on the licensee's or
49 permittee's behalf. Such authorization shall not be effective until it
50 has been approved by the department. A copy of such written authori-
51 zation shall be filed with the department, and the department shall
52 determine what constitutes a temporary emergency and the appropriate
53 maximum duration of a temporary emergency for the purposes of this
54 subdivision. The department is authorized to adopt regulations to
55 establish requirements for this program.

56 § 2. This act shall take effect immediately.