

STATE OF NEW YORK

678--A

Cal. No. 117

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

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

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

LBD02765-02-5

1 apprenticeship pursuant to subdivision seven of this section shall [~~be~~
2 ~~considered by the department prior to other applicants~~] receive one
3 extra entry, and provided further that the department is authorized to
4 adopt regulations to amend or supplement this process for issuing
5 commercial food fish licenses;

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

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

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

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

1 subdivision. The department is authorized to adopt regulations to
2 establish requirements for this program.

3 § 2. This act shall take effect on the thirtieth day after it shall
4 have become a law; provided, however that the new subdivision 8 of
5 section 13-0328 of the environmental conservation law as added by
6 section one of this act shall take effect one year after it shall have
7 become a law.