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

8514

I N S E N A T E

November 24, 2010

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the inspection of shellfish beds

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

Section 1. Subdivision 7 of section 11-0305 of the environmental conservation law is amended to read as follows:

7. A. To regulate the examination and inspection of shellfish grounds, boats used in taking and buildings used for storage of shellfish, the handling and shipment of shellfish, the floating of shellfish, the removal of shellfish from unsanitary beds and their deposit on unpolluted grounds.

B. FOR PURPOSES OF THIS SUBDIVISION, ANY SHELLFISH COMPANY DOING BUSINESS IN THIS STATE MAY ENTER INTO A CONTRACT WITH THE DEPARTMENT TO PAY FOR OR REIMBURSE THE DEPARTMENT FOR THE EXAMINATION AND INSPECTION OF SHELLFISH BEDS OWNED BY SUCH COMPANY. IN THE EVENT THE DEPARTMENT REFUSES OR FAILS TO ENTER INTO SUCH A CONTRACT WITHIN TWENTY DAYS FROM THE DATE SUCH EXAMINATION AND INSPECTION IS REQUESTED, SUCH SHELLFISH COMPANY MAY CONTRACT WITH AN INDEPENDENT INSPECTOR TO CONDUCT SUCH EXAMINATION AND INSPECTION. ANY REPORT ISSUED UPON COMPLETION OF SUCH INDEPENDENT EXAMINATION AND INSPECTION SHALL BE KEPT ON FILE BY SUCH SHELLFISH COMPANY FOR TWO YEARS AND SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST. NO PERSON HIRED BY THE DEPARTMENT OR WHO CONTRACTS WITH THE DEPARTMENT TO CONDUCT AN EXAMINATION AND INSPECTION PURSUANT TO THIS SUBDIVISION SHALL COUNT AGAINST THE DIVISION OF THE BUDGET'S FULL-TIME EQUIVALENTS FOR THE DEPARTMENT;

S 2. This act shall take effect immediately.

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

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