

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:

1 Section 1. Subdivision 7 of section 11-0305 of the environmental
2 conservation law is amended to read as follows:
3 7. A. To regulate the examination and inspection of shellfish grounds,
4 boats used in taking and buildings used for storage of shellfish, the
5 handling and shipment of shellfish, the floating of shellfish, the
6 removal of shellfish from unsanitary beds and their deposit on unpol-
7 luted grounds.
8 B. FOR PURPOSES OF THIS SUBDIVISION, ANY SHELLFISH COMPANY DOING BUSI-
9 NESS IN THIS STATE MAY ENTER INTO A CONTRACT WITH THE DEPARTMENT TO PAY
10 FOR OR REIMBURSE THE DEPARTMENT FOR THE EXAMINATION AND INSPECTION OF
11 SHELLFISH BEDS OWNED BY SUCH COMPANY. IN THE EVENT THE DEPARTMENT
12 REFUSES OR FAILS TO ENTER INTO SUCH A CONTRACT WITHIN TWENTY DAYS FROM
13 THE DATE SUCH EXAMINATION AND INSPECTION IS REQUESTED, SUCH SHELLFISH
14 COMPANY MAY CONTRACT WITH AN INDEPENDENT INSPECTOR TO CONDUCT SUCH EXAM-
15 INATION AND INSPECTION. ANY REPORT ISSUED UPON COMPLETION OF SUCH INDE-
16 PENDENT EXAMINATION AND INSPECTION SHALL BE KEPT ON FILE BY SUCH SHELLF-
17 ISH COMPANY FOR TWO YEARS AND SHALL BE MADE AVAILABLE TO THE DEPARTMENT
18 UPON REQUEST. NO PERSON HIRED BY THE DEPARTMENT OR WHO CONTRACTS WITH
19 THE DEPARTMENT TO CONDUCT AN EXAMINATION AND INSPECTION PURSUANT TO THIS
20 SUBDIVISION SHALL COUNT AGAINST THE DIVISION OF THE BUDGET'S FULL-TIME
21 EQUIVALENTS FOR THE DEPARTMENT;
22 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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