STATE OF NEW YORK

2005--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

(i) [~~licenses shall be issued in the order in which the applications were received, except that where multiple applications are received by the department on the same day,~~] **where the total number of commercial food fish license applications from persons who were not issued such license in the previous year exceeds the number of licenses that are available, the department shall randomly select recipients of the available licenses from among those applications received by the first business day of the applicable license year, provided however that applicants shall receive one extra entry for each previous year that they applied for such license and were not selected, and** applicants for whom the department has received notice of successful completion of an apprenticeship pursuant to subdivision seven of this section shall [~~be considered by the department prior to other applicants~~] **receive one extra entry, and provided further that the department is authorized to adopt regulations to amend or supplement this process for issuing commercial food fish licenses**;

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

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

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

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

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

§ 2. This act shall take effect immediately.